

In The Matter Of:
COMMODORE BANK v.
GEORGE MICHAEL RILEY, SR.

GEORGE MICHAEL RILEY, SR.
September 20, 2013

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COMMODORE BANK v.
GEORGE MICHAEL RILEY, SR.

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September 20, 2013

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1	UNITED STATES BANKRUPTCY COURT	1 APPEARANCES:
2	SOUTHERN DISTRICT OF OHIO	2 ON BEHALF OF PLAINTIFF
3	EASTERN DIVISION	3 Gary E. Becker, Esq. Attorney at Law
4	IN RE:	4 Dinsmore & Shohl 255 E. Fifth Street
5	GEORGE MICHAEL RILEY, SR. CASE NO. 12-60636 Debtor	5 Suite 1900 Cincinnati, Ohio 45202
6	-----	6
7	COMMODORE BANK Plaintiff	7 ON BEHALF OF GEORGE MICHAEL RILEY, SR.
8	-vs-	8 Robin L. Morrison, Esq. Attorney at Law
9	ADVERSARY PROCEEDING NO. 13-ap-02094	9 Zacks Law Group The E. Building
10	GEORGE MICHAEL RILEY, SR., Defendant	10 33 S. James Road 3rd Floor
11	-----	11 Columbus, Ohio 43213
12	Deposition of GEORGE MICHAEL RILEY, SR.,	12 ON BEHALF OF DEFENDANT GEORGE MICHAEL RILEY, 13 SR.
13	the Defendant herein, taken by the Plaintiff	14 Michael T. Gunner, Esq. Attorney at Law
14	as upon cross examination and pursuant to the	15 Law Office of Michael Gunner 3535 Fisher Boulevard
15	applicable Rules of Civil Procedure as to the	16 Suite 200 Hilliard, Ohio 43026
16	time and place and stipulations hereinafter	17
17	set forth, at the offices of Dinsmore & Shohl,	18 ALSO PRESENT
18	191 W. Nationwide Boulevard, Suite 300,	19 Mr. Kasey M. Brock
19	Columbus, Ohio, at 1:31 p.m. on Friday,	20
20	September 20, 2013, before Heather M.	21 * * * * *
21	Byrne-Lunsford a Professional Court Reporter	22
22	and notary public within and for the State of	23
23	Ohio.	24
24	* * * * *	25
25		
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1	QUICK REFERENCE INDEX	1 WHEREUPON:
2	WITNESS: GEORGE MICHAEL RILEY, SR.	2 GEORGE MICHAEL RILEY, SR.,
3	APPEARANCES: PAGE 3	3 of lawful age, the Defendant herein, being
4		4 first duly sworn as hereinafter certified, was
5	DX CX RDX RCX	5 examined and deposed as follows:
6	BY: MR. BECKER - 4 - -	6 CROSS EXAMINATION
7		7 BY MR. BECKER:
8	EXHIBITS	8 Q. Mr. Riley, good afternoon. We
9	MARKED PAGE	9 previously met. Could you go ahead and give
10	PLF'S: 8 58	10 us your full name and spell the last name for
11	PLF'S: 9 95	11 the court reporter, please?
12	PLF'S: 10 117	12 A. George M. Riley. R-I-L-E-Y.
13	PLF'S: 11 124	13 Q. Do you go by Senior?
14		14 A. I do.
15		15 Q. And your date of birth?
16		16 A. 8/14/63.
17	* * * * *	17 Q. And your current address?
18		18 A. 594 Moull Street, Newark, Ohio.
19		19 Q. And you've been residing at that
20		20 location for how long?
21		21 A. A couple of years.
22		22 Q. And do you own or rent that
23		23 property?
24		24 A. Rent.
25		25 Q. And who is the lease assigned to?

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1 Who is the person that signed the lease? 2 A. I don't know. 3 Q. Well -- 4 A. I don't know. 5 Q. Do you have a lease? 6 A. I don't know if there's a lease to 7 it or not. 8 Q. Well, how did you come to be living 9 in that apartment? 10 A. What do you mean how did I become? 11 Q. Well, normally people that own 12 property won't let you live there unless you 13 come to some agreement on how you're going to 14 pay and how long you're going to stay there. 15 A. I don't know the gentleman's name 16 that I give the rent to. You asked if there 17 was a lease. 18 Q. Yes. 19 A. I said I didn't know. So I don't 20 know. 21 Q. Well, how did you -- so I followed 22 that up with the question of how did you come 23 to live there. Did you reach an agreement 24 with someone and that's an oral agreement or 25 do you have a written agreement?	1 Q. More than six? 2 A. Yes. 3 Q. Has anyone else lived with you 4 during that six-month period? 5 A. No. 6 MR. BECKER: Ms. Jindra? 7 MS. MORRISON: Well, it's Mrs. 8 Morrison. 9 MR. BECKER: I'm sorry. In what 10 capacity is she here? 11 MS. MORRISON: I'm here 12 representing our corporate representative of 13 Ohio Rock which is Mike Riley. 14 MR. BECKER: I have no objection 15 to you staying while we're asking questions 16 regarding that, but I will object to you 17 staying after that. 18 MS. MORRISON: I'm sorry, say 19 that again. 20 MR. BECKER: I have no objection 21 to you being present while I question the 22 witness as the representative of Ohio Rock, 23 but after that I have an objection to you 24 continuing to be here because you don't 25 represent this gentleman and this isn't a
1 A. I don't have a written agreement, to 2 my knowledge. I don't have one. 3 Q. When you first moved there, who were 4 you living with? 5 A. Kate. 6 Q. Your wife? 7 A. Yes. 8 Q. Did she rent the apartment or did 9 you rent it? 10 A. She's the one that located it. 11 Q. Okay. And who do you live there now 12 with? 13 A. Myself. 14 Q. No one else? 15 A. No. 16 Q. How long has that been the case? 17 A. I'm not for sure of the time. 18 Q. Well, a week? A month? Six months? 19 A year? 20 A. I don't know the exact time. 21 Q. I didn't ask for an exact. I'm 22 asking you how long have you been living by 23 yourself. Has it been a matter of weeks? 24 Months? 25 A. Months.	1 public deposition. 2 So I will ask my questions of 3 Ohio Rock early on and you can be here for 4 that and then we will ask you to leave. 5 BY MR. BECKER: 6 Q. My understanding, sir, is that you 7 are here to testify in two capacities. One as 8 a designated representative of Ohio Rock who 9 Ms. Jindra represents. I'm sorry, that's all 10 I had you by. 11 MS. MORRISON: You can call me 12 Ms. Jindra or Mrs. Morrison. 13 BY MR. BECKER: 14 Q. Mrs. Morrison represents Ohio Rock, 15 and you've been designated by Ohio Rock to 16 testify about certain matters on their behalf. 17 You've also been noticed for deposition in 18 your personal capacity as Mr. Riley as the 19 person who filed bankruptcy. 20 So you have personal counsel, and 21 he's certainly entitled to be here for all of 22 it. But Ohio Rock is only representing Ohio 23 Rock. And if I'm asking questions of Ohio 24 Rock that you've been designated to answer by, 25 I have no objections to her being here for

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1 that. 2 All right. You were telling me 3 that you've been living at the Moull Street 4 address in Newark for at least the last six 5 months by yourself. And I think my final 6 question was nobody else has lived with you 7 during that six-month period? 8 A. Correct. 9 Q. All right. Let's move to the Ohio 10 Rock questions, then, so counsel will be 11 present for those. We previously marked as 12 Exhibit 1 the Amended Notice of Deposition 13 which contained an Exhibit A which Ohio Rock 14 was to provide a witness -- 15 MR. GUNNER: No, that's 7. There 16 you go. 17 BY MR. BECKER: 18 Q. Ohio Rock was noticed to provide the 19 person most knowledgeable at Ohio Rock 20 Industries, Limited, relative to items that we 21 listed on Exhibit A, and you'll see on that 22 Exhibit 1 Exhibit A attachment that is about 23 13 categories. 24 And Ohio Rock has designated you 25 to testify on their behalf relative to items	1 A. Yes. 2 Q. Was it more than a month ago? 3 A. Yes. 4 Q. Was it more than six months ago? 5 A. Yes. 6 Q. Was it more than a year ago? 7 A. I don't know. 8 Q. Okay. How did you first become 9 involved? 10 A. I don't understand your question. 11 Q. How did you first have any contact 12 with Ohio Rock? 13 A. What do you mean by contact? 14 Q. How did you even know they existed? 15 A. I still don't understand your 16 question. 17 MR. BECKER: Counsel, would you 18 like to have an off-the-record conversation 19 with your client? 20 MR. GUNNER: Pardon? 21 MR. BECKER: Would you like to 22 have an off-the-record conversation with your 23 client? 24 MR. GUNNER: No. I think you 25 need to rephrase your question as far as that
1 1, 3, 4, 8, 9, 10, 11, 12, and 13. And to the 2 extent you have knowledge of 2, 5, 6, and 7. 3 MR. GUNNER: I just want to point 4 out before he begins, he can't read or write 5 very well. He does not even have an eighth 6 grade education. So I'd like the record to 7 reflect that he has not read this exhibit. 8 MR. BECKER: I'm assuming that he 9 has discussed it with either you or Ohio 10 Rock's counsel, so he knows what he's supposed 11 to be testifying here to today. And I'll 12 certainly understand and make sure that when I 13 ask the questions, I don't rely on his ability 14 to read items. I'll try to be cognizant of 15 that and make sure I enunciate exactly what I 16 want him to respond to. 17 BY MR. BECKER: 18 Q. First of all when did you first have 19 any involvement with Ohio Rock? 20 A. I don't know the dates. 21 Q. Well, was it weeks ago? Months ago? 22 Years ago? 23 A. I don't know the exact dates or even 24 close to it. 25 Q. Again, was it more than a week ago?	1 goes. He's going to acknowledge that he 2 managed Ohio Rock as far as that goes. 3 BY MR. BECKER: 4 Q. When did you first start managing 5 Ohio Rock? 6 A. I don't know the exact dates. 7 Q. More than a month ago? 8 A. Yes. 9 Q. More than a year ago? 10 A. I don't know if it was more than a 11 year ago. 12 Q. Who contacted you to manage Ohio 13 Rock? 14 A. I don't even remember. 15 Q. Well, who do you report to? 16 A. What do you mean? 17 Q. Who's your boss? 18 A. I don't understand what you're 19 saying. 20 MR. BECKER: Counsel? 21 MR. GUNNER: Do you have a boss 22 at Ohio Rock? You are the boss, right? 23 You're the manager of the company? 24 THE WITNESS: I assume. 25 MR. GUNNER: He's asking you if
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<p>1 you have anybody that's in charge of you at 2 Ohio Rock that you know of. 3 THE WITNESS: I don't know. 4 BY MR. BECKER: 5 Q. Well, who makes the decisions about 6 what happens at Ohio Rock? 7 A. What do you mean decisions? There's 8 a lot, there could be a lot of different 9 decisions. Your decision wouldn't be the same 10 as mine. 11 Q. Any decision. 12 A. Depends on what it is. 13 Q. Who else besides you makes any 14 decisions for Ohio Rock? 15 A. I don't know. I can't answer that 16 question. 17 Q. What do you do for Ohio Rock on a 18 day-to-day basis? 19 A. It's not on a day-to-day basis. 20 Q. What do you do? 21 A. Depends. 22 Q. Tell me. Anything. What do you do? 23 A. I don't know. What are you 24 referring to? 25 Q. Anything. Anything that you do on</p>	<p>1 Q. So nobody tells you what to do. If 2 you decide you're going to tear a building 3 down, you work with whoever wants the building 4 torn down, you make the arrangements. And if 5 you come to an agreement, then you do it. 6 Nobody tells you which ones you're going to 7 tear down, right? 8 A. Somewhat. 9 Q. What's wrong about that? 10 A. Well, it depends. 11 Q. What's it depend on? 12 A. Every case could be different. 13 Q. Tell me every case you've torn a 14 building down and we'll go through them one at 15 a time. 16 A. I don't remember them all. 17 Q. Tell me the last one. 18 A. It was a house. 19 Q. Where? 20 A. I don't even remember. It's been a 21 while. I don't remember. 22 Q. Where was it? 23 A. I don't remember. 24 Q. When was it? 25 A. I don't remember.</p>

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<p>1 behalf of Ohio Rock as the manager of Ohio 2 Rock, which your counsel and Ohio Rock as 3 counsel indicated you're the manager. So what 4 do you do? 5 A. Tear a building down. 6 Q. Okay. And who tells you to tear 7 what buildings down? 8 A. I don't know. I can't answer that 9 question. 10 Q. Well, does somebody at Ohio Rock 11 tell you that they want to tear a specific 12 building down and you go do it? Or do you 13 decide that I'm going to tear down a certain 14 building for Ohio Rock and then go do it? 15 A. It depends. 16 Q. Well, tell me the different things 17 it depends on and tell me what you do. 18 A. If I was tearing a house down for 19 you, you'd tell me what you'd want done. 20 Q. Well, what I'm trying to figure out, 21 sir, is if there's somebody else at Ohio Rock 22 that tells you which houses you're going to 23 tear down or whether you make that decision. 24 A. I don't know how to answer that. If 25 I don't want to do it, I'm not doing it.</p>	<p>1 Q. Was it a week ago? 2 A. It was longer than a week ago. 3 Q. A month ago? 4 A. I think it may have been longer than 5 that. 6 Q. Three months? 7 A. I don't know. 8 Q. What records do you have of that 9 job? 10 A. I don't know if there is any. I 11 don't know. I don't have it. 12 Q. Well, who keeps the records for Ohio 13 Rock? 14 A. I turn them in. 15 Q. To who? 16 A. To Mark. 17 Q. Mark who? 18 A. Dunn. 19 Q. Okay. What records did you give to 20 Mr. Dunn? 21 A. Whatever he would want. 22 Q. Well, I need some examples. 23 A. Checks. 24 Q. That you get paid for for the job? 25 A. No. The checking account from the</p>

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<p style="text-align: right;">Page 17</p> <p>1 bank. 2 Q. Okay. Which bank? 3 A. I don't remember what bank it is. 4 Q. Whose account is it? 5 A. What do you mean? 6 Q. Whose account? Is it your personal 7 account or is it somebody else's account? 8 A. I don't know whose account it is. 9 Q. Where do you get the records from 10 that you give to Mr. Dunn? 11 A. I said record. You asked me about a 12 deal. 13 Q. Yes. 14 A. I mean, this is what you do. You 15 turn things around to make it where I don't 16 understand. 17 Q. That's not my intention. I was -- 18 A. I said record. You didn't say 19 records. He asked me -- whatever we had, I 20 gave him what they consisted of. I don't 21 know. I can't read. 22 Q. We started this conversation by the 23 last job that you could remember doing and I 24 asked you what records you had and you said 25 you gave them to Mr. Dunn.</p>	<p style="text-align: right;">Page 19</p> <p>1 anything. Would you like to inform me as to 2 why we haven't been provided with a witness 3 from Ohio Rock that knows the answers to these 4 questions? 5 MS. MORRISON: Mr. Riley is the 6 best representative of Ohio Rock. He's the 7 manager of the company. 8 MR. BECKER: Well -- 9 MS. MORRISON: There are no other 10 employees, as far as I'm concerned. I know 11 that issues as to ownership were testified to 12 in this morning's deposition. But as far as 13 the operations of anything Ohio Rock does, 14 sporadic as that may be, is Mr. Riley. 15 MR. BECKER: Did you have any 16 conversations with Mr. Riley to prepare him 17 for this deposition? 18 MS. MORRISON: I don't have to 19 answer that. 20 MR. BECKER: Well, the rules 21 require that the person most knowledgeable who 22 is offered and proposed to testify on behalf 23 of the entity is to be made familiar with the 24 topics that he's supposed to discuss and to be 25 prepared to answer the questions that he's</p>
<p style="text-align: right;">Page 18</p> <p>1 A. I was thinking of the record that he 2 wanted if -- whatever I had to contain of Ohio 3 Rock. He said needed to go to the law office. 4 Q. Well, let's talk about the last 5 house you did because that's different. The 6 last house that you tore down, that you don't 7 remember when it was, but it was more than 8 three months ago, perhaps? 9 A. Or less. 10 Q. Or less. More than a week ago but 11 maybe less than three months? 12 A. Okay. 13 Q. What did you do with the records 14 that you had from that job? 15 A. I don't even know. 16 Q. Well, what records did you have from 17 that job? 18 A. I don't know. That's what I said 19 before. 20 Q. How did you get the job? 21 A. I don't remember. 22 MR. BECKER: Counsel, you've 23 produced this witness as being the most 24 knowledgeable person about these topics for 25 Ohio Rock and he doesn't appear to know</p>	<p style="text-align: right;">Page 20</p> <p>1 being offered as the most knowledgeable person 2 on. I'm just trying to determine whether that 3 was done in this case. 4 MS. MORRISON: The rule speaks 5 for itself. I'm not getting deposed right 6 now. I don't have to offer any explanation as 7 to that. 8 BY MR. BECKER: 9 Q. Mr. Riley, who handles the corporate 10 bank accounts for Ohio Rock? 11 A. I don't know. 12 Q. Do you? 13 A. I don't understand what you're 14 saying. 15 Q. Do you have the ability to write a 16 check for Ohio Rock? 17 A. Help me understand what you're 18 trying to say. 19 Q. Well, if Ohio Rock wants to use a 20 check to purchase anything or to pay for 21 anything, do you have the ability to sign that 22 check for Ohio Rock? 23 A. Yes. 24 Q. Okay. Who gave you that authority? 25 A. I don't remember.</p>

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1 Q. When were you given the authority to 2 write checks for Ohio Rock? 3 A. I don't remember. 4 Q. Who do you report to? 5 A. Nobody. 6 Q. So you are Ohio Rock, right? 7 A. Absolutely not. 8 Q. Well, who is? 9 A. Not me. I don't own it. 10 Q. Well, who do you report to? If you 11 don't -- 12 A. That's up to them. 13 Q. Who? Who's them? 14 A. Ohio Rock. 15 Q. Well, who is Ohio Rock? 16 A. Your guess is as good as mine. 17 Q. So you don't know anybody that is 18 the owner of Ohio Rock? 19 A. I can honestly tell you I don't know 20 the owners of Ohio Rock. 21 Q. Are there any other employees of 22 Ohio Rock other than you? 23 A. I can't answer that. 24 Q. You don't know of any other 25 employees?	1 A. I still don't understand your 2 question. 3 Q. What don't you understand? 4 A. Just like I said, you go from 5 employees then you said do this. I asked you 6 a question. If somebody comes and cuts your 7 grass, does that mean you're an employee? And 8 you didn't answer my question. 9 Q. I'm not here to answer your 10 questions, sir. 11 A. Okay. My answer to you is I don't 12 know. 13 Q. During the -- on the last house that 14 you tore down for Ohio Rock, who else did work 15 on that besides yourself? 16 A. I don't remember. 17 Q. Was there anybody else? 18 A. I don't remember. 19 Q. Does Ohio Rock, in addition to 20 having a bank account that you don't know 21 where it's at, do they have any credit cards? 22 A. I don't know. 23 Q. Well, do you have any credit cards? 24 A. Again, I don't remember. 25 Q. Do you have your wallet with you

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<p style="text-align: right;">Page 25</p> <p>1 use for either yourself or for Ohio Rock. Is 2 that your testimony? 3 A. I don't understand what you're 4 saying. 5 MR. GUNNER: He has his own 6 credit cards, you're saying, or Ohio Rock 7 credit cards? 8 MR. BECKER: I'm asking for 9 either one. Let's break it down and try to 10 make it easier. 11 BY MR. BECKER: 12 Q. Do you have a credit card that you 13 use to charge Ohio Rock's account? 14 A. I don't understand what he's saying, 15 charge. 16 MR. GUNNER: He's asking if you 17 have any credit cards at all. 18 THE WITNESS: You mean like a 19 debit card or a charge card? 20 MR. GUNNER: Charge card or debit 21 card. 22 THE WITNESS: There was a debit 23 card. 24 BY MR. BECKER: 25 Q. Was it an Ohio Rock debit card or</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Kate. 2 Q. Your ex-wife? 3 A. Yes. 4 Q. You're not divorced yet, correct? 5 A. I don't know. What do you mean? 6 Q. There's not been a final resolution 7 to your divorce action, correct? 8 A. I don't believe that's true. I 9 don't know. 10 MR. GUNNER: She moved to Florida 11 SO -- 12 BY MR. BECKER: 13 Q. So you are the only person -- 14 A. She knows because -- I'll tell you 15 later. 16 Q. You're the only person who has 17 access to the P.O. Box at Etna, Ohio? 18 A. I can't answer that because I don't 19 know. 20 Q. Who opened the P.O. Box? 21 A. I don't know that, either. 22 Q. How did you get access to it? 23 A. I don't remember. 24 Q. What do you do with the mail that 25 comes to that P.O. Box?</p>
<p style="text-align: right;">Page 26</p> <p>1 your own personal? 2 A. Ohio Rock. 3 Q. And what bank was it through? 4 A. I don't know. 5 Q. Who has the records from that? 6 A. I don't know. 7 Q. Where do the bank records from Ohio 8 Rock get mailed to? 9 A. I don't know. I don't know. If you 10 have the answer, help me, because I don't 11 know. 12 Q. Who has access to P.O. Box 135 in 13 Etna, Ohio? 14 A. I do. 15 Q. I'm sorry? 16 A. I do. 17 Q. What is that? 18 A. It's a post office. 19 Q. Okay. And that's where the bank 20 records go. So who else has access to that 21 bank box, to the post office box? 22 A. I don't know. 23 Q. Does anybody? 24 A. I don't know. 25 Q. You said you do. Does anybody else?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Pick it up. 2 Q. And when there are records for Ohio 3 Rock in that P.O. Box, what do you do? 4 A. Put them in a box. 5 Q. Where is that box? 6 A. I don't know. 7 Q. Well, have you been asked to produce 8 Ohio Rock records in this case? 9 A. Me? 10 Q. Yes, sir. 11 A. I don't know. 12 Q. Did counsel ask you to produce the 13 Ohio Rock records? 14 A. I just gave them what I had. 15 Q. What did they ask you to produce? 16 A. Whatever I had. 17 Q. You gave them whatever you had? 18 A. Yes. 19 Q. Where are the records from Ohio Rock 20 bank accounts since May of 2013? 21 A. I have no idea. 22 Q. Are they going to some location 23 other than the P.O. Box 135 in Etna, Ohio? 24 A. I don't know. 25 Q. Are you still writing checks for</p>

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1 Ohio Rock?
2 A. Nope.
3 Q. When is the last time you wrote a
4 check for Ohio Rock?
5 A. I don't know.
6 Q. Well, was it a week ago?
7 A. I don't know.
8 Q. Which account did you last write a
9 check for Ohio Rock?
10 A. I don't know that, either.
11 Q. Do you still have any checks from
12 Ohio Rock that you can write? A checkbook?
13 A. I don't know where it is if we do.
14 Q. How do you transact business for
15 Ohio Rock as the manager of Ohio Rock?
16 A. I don't understand what you're
17 saying.
18 Q. If Ohio Rock needs to purchase
19 supplies, how do you do that?
20 A. I -- the person whoever wants the
21 work done buys them, would have to. I don't
22 know.
23 MR. GUNNER: I guess he's asking
24 you, since May are you still writing checks
25 for Ohio Rock or purchasing things for Ohio

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1 Q. When is the last time you made a
2 deposit on behalf of Ohio Rock?
3 A. I don't remember.
4 Q. Was it last week?
5 A. No.
6 Q. Last month?
7 A. I don't know when it was.
8 Q. When is the last time you did any
9 work for anyone?
10 A. Is this on Ohio Rock's behalf or my
11 personal?
12 Q. Either one.
13 A. I don't understand what you're
14 saying, then.
15 Q. Well, sir, when is the last time you
16 did any work for anyone?
17 MS. MORRISON: Objection. We're
18 here as to Ohio Rock only. Whatever Mr. Riley
19 does aside from Ohio Rock is not relevant at
20 this time. Mike, only answer as to Ohio Rock.
21 BY MR. BECKER:
22 Q. We'll come back to that one later in
23 the deposition, I guess. All right. So when
24 is the last time you did any work for Ohio
25 Rock?

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1 Rock?
2 THE WITNESS: May of when?
3 MR. GUNNER: 2013. That's what
4 he's asking you.
5 THE WITNESS: I don't remember.
6 I don't know.
7 BY MR. BECKER:
8 Q. Well, have you torn anything down
9 for Ohio Rock since May of 2013, May of this
10 year?
11 A. I don't know.
12 Q. What do you do with the money that
13 you get paid for the work that you did for
14 Ohio Rock?
15 A. Excuse me?
16 Q. When you tear houses or buildings
17 down for Ohio Rock, people pay you to do that,
18 right?
19 A. Yes.
20 Q. What do you do with the money?
21 A. Goes into that account.
22 Q. And where do you deposit that?
23 A. At the bank.
24 Q. Which bank?
25 A. I don't remember.

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1 A. I don't remember.
2 Q. Where do you get the money to pay
3 the individuals who work for Ohio Rock other
4 than yourself?
5 A. I don't understand your question.
6 That's a question you asked before about
7 employees. I don't understand what you're
8 saying.
9 Q. Do you have anybody else that does
10 work on the houses or buildings that you
11 demolish on behalf of Ohio Rock?
12 A. I don't understand what you mean.
13 Q. What don't you understand about the
14 question?
15 A. I don't understand -- your questions
16 to somebody else's answer is not the same with
17 you. Like you said, you seen something in my
18 wallet that was there, which is clearly a lie.
19 As well as me owing you any more money is a
20 lie.
21 Q. The last building that you
22 demolished for Ohio Rock, were you the only
23 person that did any work on the building?
24 A. I don't remember.
25 Q. If anybody else was there, how did

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1 you pay them? 2 A. I don't know. I don't remember. 3 Q. How did you get paid? 4 A. How did I get paid? 5 Q. Yes, sir. 6 A. Depending on the circumstances. 7 Q. On the last house you did -- 8 A. I don't remember. I've been telling 9 you I don't remember. 10 Q. Well, how did you typically get paid 11 for work that you did for Ohio Rock? 12 A. I don't understand what you mean by 13 paid because I never got a paycheck. 14 Q. Well, then what did you get? Cash? 15 A. No. Never -- if I needed something, 16 I would get it. 17 Q. How would you get it? 18 A. I would write a check. 19 Q. Okay. So would you write a check to 20 yourself for money? 21 A. No. 22 Q. How would you get compensated it? 23 How did you get money in exchange for the work 24 you were doing? 25 A. I -- it really wasn't money.	1 check? 2 A. That's correct. 3 Q. Okay. So you used Ohio Rock to 4 support yourself? 5 A. I don't understand what you're 6 saying. 7 Q. If anything that you need, that you 8 need to pay for, you would use Ohio Rock's 9 check as to -- 10 A. Not only Ohio Rock. 11 Q. Who else? 12 A. If I did something for myself, I 13 hauled scrap or whatever, I kept that money. 14 That was mine. 15 Q. I understand. So when it was Ohio 16 Rock that you did the work for, though, you 17 would just put that into Ohio Rock's account. 18 And if you needed to use money for something, 19 you would just write a check out of Ohio 20 Rock's account to buy what you needed? 21 A. Depends on what it was. 22 Q. Well, you tell me. 23 A. I don't remember. I mean, this has 24 been -- I don't know. I don't know what 25 you're trying to say.

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1 Q. What did you get?
2 A. A check. If I needed to pay for
3 something, I'd take the check, they'd fill it
4 out and I would sign it.
5 Q. Who would fill it out?
6 A. Whoever I needed to give it to.
7 Q. Who?
8 A. Whoever.
9 MR. GUNNER: I think what he's
10 saying is he doesn't know how to write checks.
11 He'd have a payee fill the information out.
12 THE WITNESS: I'd go to the
13 counter, and he knows this, and they'd fill it
14 out and I would sign it.
15 BY MR. BECKER:
16 Q. All right. So how would you get
17 money for yourself to live on?
18 A. I just told you.
19 Q. I don't think you did. You told me
20 you didn't get any cash and if you needed
21 something, you used a check.
22 A. Correct.
23 Q. How did you get money to live on?
24 A. I just told you.
25 Q. You would just write an Ohio Rock

1 Q. Do you have the authority to conduct
2 business on behalf of Ohio Rock?
3 A. I don't know.
4 Q. Well, are you the manager of Ohio
5 Rock?
6 A. What do you -- what is your
7 determination of manager? What is your
8 termination of manager.
9 Q. I'm using the term that your Ohio
10 Rock's witness this morning, Mr. Dunn, used.
11 He said you were the manager of Ohio Rock.
12 A. Okay.
13 Q. I'm trying to determine whether
14 that's true.
15 A. If Mr. Dunn said that -- what is
16 your determination of it?
17 Q. He wouldn't give me a definition so
18 I have no idea.
19 A. I don't know, either.
20 Q. So you don't know what your capacity
21 is for Ohio Rock? You don't know what role
22 you have with them?
23 A. What's your determination of a
24 manager?
25 Q. I'm not going to answer your

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1 question, sir.
2 A. Okay.
3 Q. What do you do for Ohio Rock?
4 A. I already told you.
5 Q. You haven't. What do you do on a
6 day-to-day basis for Ohio Rock?
7 A. It's not a day-to-day basis.
8 Q. Whenever you do anything for Ohio
9 Rock, what do you do?
10 A. Circumstances could be different.
11 Q. Give me any circumstance.
12 A. Go look at cutting a tree down.
13 Q. I assume for somebody else?
14 A. Excuse me?
15 Q. For somebody else. They want a tree
16 taken down, so they hire you to do it?
17 A. You said Ohio Rock then you go to
18 me. I don't know what you're trying to say.
19 One minute it's Ohio Rock, the next minute
20 it's me.
21 Q. We're talking about Ohio Rock. They
22 have to talk to somebody and you are the
23 manager of Ohio Rock, right?
24 A. Okay.
25 Q. So --

1 A. If you say so.
2 Q. If somebody wants Ohio Rock to take,
3 in your example, a tree down, they would give
4 you direction on how, which tree to take down,
5 right?
6 A. Uh-huh.
7 Q. You would have the authority to
8 agree to that or not agree to it?
9 A. Or give them a price.
10 Q. Sure. You would say okay, if you
11 want that tree down, Ohio Rock will charge you
12 a thousand dollars, let's say. Is that how
13 the transaction would go?
14 A. We would determine a cost.
15 Q. And you had the ability to agree on
16 the cost, right?
17 A. I had that ability.
18 Q. And once you agreed on a price, who
19 would do the work?
20 A. Me.
21 Q. Okay. Anybody else?
22 A. I don't know. Depends.
23 Q. Well, we're talking about a tree
24 being taken down now.
25 A. I'm not talking about any cutting.

1 I'm just giving you an example.
2 Q. Have you ever done that for Ohio
3 Rock, take a tree down?
4 A. I don't even remember. I don't
5 know.
6 Q. Well, give me an example of
7 something you do.
8 A. I don't know examples because, you
9 know, you say Ohio Rock then you say me. Then
10 you say this, then you say that. So have I
11 ever cut a tree down myself personally, all by
12 myself? Yes.
13 Q. For Ohio Rock?
14 A. I don't remember.
15 Q. Give me an example of work that you
16 have done for Ohio Rock and we'll use that as
17 our example.
18 A. Residential house.
19 Q. Okay. Tell me more. What about it?
20 A. That's it. Demolition.
21 Q. You're going to demolish a
22 residential house. So again, you would, as a
23 representative of Ohio Rock, you had the
24 ability to agree to a price for that that you
25 were going to charge the person who owned the

1 residence, right?
2 A. Uh-huh.
3 Q. All right. Once you agreed on the
4 price, who did the work?
5 A. Me.
6 Q. By yourself?
7 A. More than likely.
8 Q. I'm trying to --
9 A. I don't remember. I mean, I have to
10 say more than likely.
11 Q. If there was anybody else, how were
12 they paid?
13 A. Maybe the owner. I don't know.
14 Q. How were you paid?
15 A. I explained that to you five minutes
16 ago.
17 Q. In this example, this specific
18 example.
19 A. It's the same thing I told you. If
20 there was something I needed, I wrote a check.
21 Q. Out of Ohio Rock's account?
22 A. Out of Ohio Rock's account. Same
23 answer.
24 Q. Was there any restrictions on how
25 much you could write for things that you

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<p>1 needed yourself out of Ohio Rock's account? 2 A. There may have been. I didn't know 3 if there was. 4 Q. So you're not aware of any 5 restrictions? 6 A. I don't know. 7 Q. Did anybody ever tell you you 8 couldn't write check that you cashed for Ohio 9 Rock? 10 A. What do you mean? 11 Q. Have you ever written a check on 12 Ohio Rock's account for anything that you were 13 then told by somebody that you can't use Ohio 14 Rock's checking account to buy those types of 15 things? 16 A. What would be those type of things? 17 Q. I'm trying to ask you, has that ever 18 happened? 19 A. I don't think so. 20 Q. So all of the checks you wrote for 21 Ohio Rock, nobody has ever told you that you 22 can't use Ohio Rock's account for those 23 purposes? 24 A. That's correct. 25 Q. Okay. When you were finished with</p>	<p>1 Q. Well, go back to your example, okay? 2 A. You said did I report to somebody. 3 Who do I need to report to? 4 Q. I'm trying to figure that out. 5 Let's take it a piece at a time. You 6 demolished this residence. You had agreed on 7 a price. You did the work. The homeowner 8 gives you a check and you told me you deposit 9 it into Ohio Rock's account, right? 10 A. Uh-huh. 11 Q. Did you have to then tell somebody? 12 A. Who? 13 Q. Anybody at Ohio Rock that I finished 14 this job and the money is in the account. 15 A. Who? 16 Q. Anybody. 17 A. Who? I don't understand what you 18 mean. 19 Q. I'm assuming by your answer you 20 don't ever tell anybody that. You just do it. 21 And since you're Ohio Rock, you move on to the 22 next job. 23 A. I'm not Ohio Rock. 24 Q. Then who is? 25 A. Ask Ohio Rock.</p>
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<p>1 the demolition of this residence, the example 2 we're talking about, the person that you 3 agreed to on the price, whoever owned the 4 residence, where would they, or how would they 5 pay you? Did they give you a check? 6 A. Yes. 7 Q. What would you do with that check? 8 A. Deposit it. 9 Q. Into the Ohio Rock account? 10 A. Yes. 11 Q. Then you got the Ohio Rock monthly 12 statements from that checking account to the 13 P.O. Box in Etna, Ohio, right? 14 A. If that's where they came to. 15 Q. Okay. Did you have to report to 16 anyone about the fact that you had finished a 17 job for Ohio Rock, in your example? 18 A. Report to who? 19 Q. Anybody. 20 A. Such as? 21 Q. I don't know. 22 A. I don't, either. 23 Q. Whoever is Ohio Rock. 24 A. You tell me. I don't know what 25 you're saying.</p>	<p>1 Q. You're here as their designee. 2 You're the one supposed to tell me that. 3 A. I'm supposed to tell you what? 4 Q. Who owns Ohio Rock and who runs it. 5 A. I don't know who the owner is, so 6 you got the wrong person. 7 Q. Who do you report to? 8 A. I don't know. 9 Q. Anybody? 10 A. Depends on the circumstances. 11 Q. Give me any circumstances where -- 12 A. If I tear your house down, I guess I 13 report to you. 14 Q. No. Anybody at Ohio Rock. 15 A. I don't understand what he's saying. 16 Q. What assets does Ohio Rock currently 17 have? 18 A. How would I know? 19 Q. Because you've been designated by 20 Ohio Rock as the person most knowledgeable 21 about that question. 22 A. I can't answer that question. 23 Q. What liabilities does Ohio Rock 24 currently have? Do they owe anything? 25 A. I don't know that, either.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. What's the net worth of Ohio Rock? 2 A. How would I know that? 3 Q. Because you've been designated as 4 the person most knowledgeable by Ohio Rock to 5 testify as to that question. 6 A. I can't answer that question. I 7 don't know the answer. 8 Q. Okay. Have any assets of Ohio Rock 9 been distributed since April of 2011? 10 A. I don't know what you mean. 11 Q. Well, has anything Ohio Rock once 12 owned either been sold or given away? 13 A. I don't know. 14 Q. Have you done that for Ohio Rock? 15 A. I don't know. 16 Q. What business has Ohio Rock 17 transacted since April of 2011? 18 A. I don't know. 19 Q. What authority does Ohio Rock 20 Industries have to transact business in states 21 other than Ohio? 22 A. What do you mean? 23 Q. Can Ohio Rock do work in states 24 other than Ohio? 25 A. You'd have to ask them.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Well, you can answer the question of 2 whether you have or you haven't. So have you 3 ever filed a tax return on behalf of Ohio 4 Rock? 5 A. I have not. 6 Q. Have you ever sent anyone the Ohio 7 Rock Industries, Limited, Operating Agreement 8 or any amendments to the Operating Agreement? 9 A. Operating Agreement? 10 Q. Yes, sir. 11 A. What is an Operating Agreement? 12 Q. If you look at the pile which is in 13 front of you, your ounce counsel there -- 14 A. I can't read. There's no sense in 15 me looking at it. 16 Q. He can look at it and tell me 17 whether he's seen it before. 18 A. They all look the same to me. 19 MR. GUNNER: Do you want me to 20 show them to him one by one? 21 MR. BECKER: Just show him 22 Exhibit 3 to start. 23 MR. GUNNER: Exhibit 3, you said? 24 MR. BECKER: Yes, sir. It should 25 be this one. The Ohio Rock Industries</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. Have you done any work for Ohio Rock 2 in any states other than Ohio? 3 A. I don't remember. 4 Q. Have you done any work for Ohio Rock 5 in West Virginia? 6 A. I don't remember. 7 Q. Who has the authority to access 8 funds on behalf of Ohio Rock Industries? 9 A. I don't know. 10 Q. Who is the person authorized to 11 prepare and sign tax records on behalf of Ohio 12 Rock Industries? 13 A. I don't know. 14 Q. Have you ever filed a tax return for 15 Ohio Rock Industries in either the State of 16 Ohio or the federal government? 17 A. Why would I do that? 18 Q. Just asking whether you have. 19 A. Excuse me? 20 Q. I'm just asking whether you have or 21 you haven't. 22 A. That's not my responsibility. 23 Q. So you have not? 24 A. I can't answer that question. It's 25 not my responsibility.</p>	<p style="text-align: right;">Page 48</p> <p>1 Operating Agreement. It should look like 2 this. 3 MR. GUNNER: He wants you to look 4 at that and see if you've ever seen that 5 before. 6 THE WITNESS: I never made this. 7 BY MR. BECKER: 8 Q. I didn't ask if you made it. Have 9 you ever seen it before? 10 A. I don't believe so. 11 Q. Have you ever sent it to anybody 12 else on behalf of Ohio Rock? 13 A. Have I ever did what? 14 Q. Sent it to anybody. E-mailed it to 15 them or mailed it to them, a copy of it? 16 A. I don't know. 17 Q. So you might have? 18 A. I don't know. 19 Q. Well, has anybody ever asked you for 20 records indicating who owns Ohio Rock and 21 you've sent them documents? 22 A. I don't remember. 23 MR. BECKER: Counsel, could you 24 show him what was marked as Exhibit 6, which 25 is this one? It's the First Amendment to the</p>

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<p style="text-align: right;">Page 49</p> <p>1 Operating Agreement. 2 THE WITNESS: I don't know what 3 that is. 4 MR. GUNNER: Just take a look at 5 it. He wants you to take a look to see if 6 you've ever seen it before. 7 THE WITNESS: I didn't make this, 8 either. 9 BY MR. BECKER: 10 Q. I didn't ask if you made it. I'm 11 asking if you've ever seen it. 12 A. I don't remember. 13 Q. Have you ever sent it to anybody 14 either by e-mail or in regular mail? 15 A. Who would want this? 16 Q. If anybody has ever asked you who 17 owns Ohio Rock, have you ever sent them 18 documents? 19 A. I don't know. 20 MR. BECKER: Well, this document, 21 Exhibit 6, on the third page, Counsel -- 22 MR. GUNNER: Look at the third 23 page there. That one right there. 24 THE WITNESS: That ain't me. 25 BY MR. BECKER:</p>	<p style="text-align: right;">Page 51</p> <p>1 A. It's like hers. 2 Q. So it's one you can carry around? 3 MS. MORRISON: Objection. 4 Mr. Riley, I want you to answer questions only 5 as to Ohio Rock. If you have used a computer 6 for Ohio Rock and if that is discussed, you 7 can talk about that. Anytime you use a 8 computer for your own personal capacity or any 9 other work, you do not have to answer that. 10 THE WITNESS: Thank you. 11 MR. BECKER: Just laying 12 foundation, Counsel. He can't tell if he's 13 operated one for Ohio Rock until he tells me 14 whether he's got one or not. 15 BY MR. BECKER: 16 Q. So you can use a laptop, right, 17 computer? 18 A. Depends on the capacity. 19 Q. Can you send e-mails? 20 A. What do you mean can I send an 21 e-mail? 22 Q. If you've got a computer, do you 23 know how to send an e-mail to someone if you 24 know their e-mail address? 25 A. I have a way to click and forward.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. That indicates you're the owner 2 of Ohio Rock Industries. 3 A. That's not my signature. 4 MR. GUNNER: He's not talking 5 about that. He's talking about the third 6 page. It says your name there that you're the 7 owner. 8 THE WITNESS: That's not true, 9 either. 10 BY MR. BECKER: 11 Q. You've never told anybody that 12 you're the owner of Ohio Rock? 13 A. Not that I remember. 14 Q. On the second page there's a 15 signature -- 16 A. That is not my signature. 17 Q. Do you recognize whose it is? 18 A. No. 19 Q. Okay. Do you operate a computer? 20 A. What's your capacity of operating a 21 computer? 22 Q. Do you have a computer? 23 A. I do. 24 Q. Is it a laptop or is it stationary 25 to your house?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And have you used that ability to 2 click and forward on your computer for Ohio 3 Rock? 4 A. I don't know. 5 MR. BECKER: Can you show him 6 Exhibit 7, Counsel? 7 BY MR. BECKER: 8 Q. This is an exhibit we identified, or 9 we utilized this morning during the deposition 10 of Mr. Dunn. In the middle of that -- 11 Counsel, if you can show him so I don't have 12 to come across -- there's an e-mail address 13 for mriley@ohiorockindustries.com and to 14 mrileysr@ohiorockindustries.com. 15 Is that your e-mail address? If 16 somebody wants to send you an e-mail, is that 17 where they send it? 18 A. I always thought it was mriley. 19 Q. Which is the first of the two? 20 A. If that's what you say. 21 MR. BECKER: Well, Counsel, could 22 you show him where I'm talking about, please? 23 MR. GUNNER: He's talking about 24 that right there. It says mriley. 25 THE WITNESS: I have an e-mail</p>

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<p style="text-align: right;">Page 53</p> <p>1 address that says that, yes. 2 BY MR. BECKER: 3 Q. Do you have an e-mail address other 4 than the ohiorockindustries.com address? 5 A. Apparently. 6 Q. MrileySr? 7 A. That's what it says. 8 Q. So both of those go to you? 9 A. I don't know. 10 Q. This document indicates that you got 11 an e-mail from Marcus Dunn that you then 12 forwarded to James Harris and Pam Anderson at 13 Harris Real Estate. Is that what you did? 14 A. I can't answer that question. 15 Q. Why not? 16 A. Because you said that's what I did. 17 I don't know if I did that. 18 Q. Well, I'm asking you to look at the 19 document. 20 A. I don't remember -- I don't know 21 what these documents are. 22 Q. Well, this document would indicate 23 that you forwarded Ohio Rock documents on to 24 jhre@msn.com, and that is James Harris Real 25 Estate. Did you forward e-mails on your</p>	<p style="text-align: right;">Page 55</p> <p>1 questions, sir. 2 A. I don't remember. 3 Q. You don't deny it? 4 A. I don't remember. 5 Q. I'm trying to clarify whether you 6 are denying it or you don't remember it. 7 A. I just don't remember. 8 Q. If they say you did talk to them and 9 sent them documents, you're not going to deny 10 it? 11 A. I'm not going to admit it. I don't 12 know if I did or didn't. 13 Q. Did you do any work on behalf of 14 Ohio Rock for James Harris Real Estate? 15 A. Define your question, please. 16 Q. Did you ever do any work on behalf 17 of Ohio Rock with James Harris Real Estate? 18 Did they ever hire you or did you ever hire 19 them for Ohio Rock? 20 A. I don't remember. 21 Q. So you're not denying that you did, 22 you just don't remember? 23 A. I don't remember. Is there a 24 difference between denying and remembering? 25 Q. Yes, sir.</p>
<p style="text-align: right;">Page 54</p> <p>1 computer for Ohio Rock that you received from 2 Marcus Dunn to James Harris Real Estate on or 3 about October 11th, 2012? 4 A. I don't remember. 5 Q. You don't deny that you did, you 6 just don't remember? 7 A. I don't know. 8 Q. I'm just trying to clarify. You 9 don't deny it, you just don't remember? 10 A. I'm denying because I don't know. 11 Q. Did you ever talk to anybody at 12 Harris Real Estate? 13 A. Yes. 14 Q. About Ohio Rock? 15 A. Yes. 16 Q. What did you talk about? 17 A. You said about Ohio Rock. 18 Q. About Ohio Rock. We're trying to 19 limit our questions right now about what you 20 did for Ohio Rock. So have you ever talked to 21 anybody at Harris Real Estate about Ohio Rock 22 business? 23 A. Have you ever talked about me to Jim 24 Harris? 25 Q. I don't have to answer your</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Can you tell me what it is? 2 Q. If you tell me you don't remember, 3 then it's possible you did and it's possible 4 you didn't, you just don't remember. But if 5 you tell me you never did, then you're denying 6 you ever did. 7 A. I said I didn't remember. 8 Q. Thank you. 9 A. So don't remember means I'm not for 10 sure, right? 11 Q. Yes, sir. 12 A. Okay. 13 Q. So your answer is you don't 14 remember? 15 A. That's my answer. 16 Q. Okay. Did you ever do any work for 17 Ohio Rock at 50 Shady Street, Wheeling, West 18 Virginia? 19 A. I don't know what the addresses are. 20 Q. Well, did you ever do any work for 21 Ohio Rock in Wheeling, West Virginia? 22 A. Yes. 23 Q. Okay. In September of 2012 did you 24 then attempt on behalf of Ohio Rock to 25 purchase 50 Shady Street in Wheeling, West</p>

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<p style="text-align: right;">Page 57</p> <p>1 Virginia? 2 A. I don't know the address. 3 Q. Did you attempt on behalf of Ohio 4 Rock to purchase a piece of real estate in 5 Wheeling, West Virginia, on behalf of Ohio 6 Rock? 7 A. Yes. 8 Q. Okay. Who were you dealing with to 9 try to make that purchase? Were you dealing 10 directly with the owner of the property or did 11 you deal with a real estate group? 12 A. It was a real estate group. 13 Q. You dealt with Harris Real Estate 14 Group, right? 15 A. If Pam and Jim are together. 16 Q. Pam Anderson? 17 A. I don't know her last name. 18 Q. But you dealt with a Pam? 19 A. Uh-huh. 20 Q. And Jim Anderson, Anderson Real 21 Estate -- or I'm sorry, at Harris Real Estate? 22 A. I don't know. 23 Q. You dealt with -- Pam was the one 24 you remember dealing with? 25 A. That's who I spoke with.</p>	<p style="text-align: right;">Page 59</p> <p>1 run through GMR 127. So at the bottom right, 2 when I'm looking at a specific document, I'm 3 going to give you that number at the bottom to 4 help you find it. Are you with me? Do you 5 understand? 6 MR. GUNNER: He's talking about 7 the page numbers down here, the lower right- 8 hand corner. 9 THE WITNESS: Okay. 10 BY MR. BECKER: 11 Q. I'll give you a number if I'm 12 looking at a specific page. All right? 13 A. Okay. 14 Q. Let's look at the second page of the 15 package, which is 022. All right? That's an 16 e-mail, a copy of an e-mail from, it starts 17 with a note from Pam Anderson at Harris Real 18 Estate to Kate Riley. I need you to keep 19 those in front of you. 20 A. I want her to see those, too. 21 MR. GUNNER: Keep those there. 22 She can share mine. 23 BY MR. BECKER: 24 Q. All right. It says that there were 25 two demos completed by Ohio Rock, one at 1133</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. Did you send Pam -- I'm 2 sorry. Did you e-mail documents to Pam when 3 she requested them concerning Ohio Rock and 4 who they were? 5 A. I don't remember. 6 Q. Okay. If she says you did, you're 7 not going to deny that, are you? 8 A. I can't until I understand what it 9 is. I don't know. 10 Q. Well, did you ever e-mail Pam offers 11 to purchase the property at 50 Shady Street in 12 Wheeling, West Virginia? 13 A. I can't answer that. I don't know. 14 You're asking me to answer something that I 15 don't know. 16 (Plaintiff's Exhibit 8 was marked 17 for identification.) 18 BY MR. BECKER: 19 Q. Sir, the court reporter has marked 20 as Exhibit 8, package of documents that I've 21 also given a copy to your counsel so he can 22 assist you. They have numbers at the bottom. 23 Can you read the numbers or not? 24 A. Yes. I see it, Number 8. 25 Q. So they start with GMR 021 and they</p>	<p style="text-align: right;">Page 60</p> <p>1 Fort Henry Avenue, Wheeling, West Virginia, 2 26003, and 50 Shady Street, Wheeling, West 3 Virginia. Did you do the demos for Ohio Rock 4 at those two addresses? 5 A. Yes. 6 Q. Okay. Did you work with Pam 7 Anderson in order to get those jobs? 8 A. I don't remember. 9 Q. Okay. Did Pam Anderson's office pay 10 you for that work or did somebody else pay 11 you? 12 A. I don't remember. 13 Q. Whoever paid you for that work, you 14 put in the Ohio Rock account as you told me 15 earlier, right? 16 A. {Witness nods his head.} 17 MR. GUNNER: You have to answer 18 yes or no. 19 THE WITNESS: Yes. 20 BY MR. BECKER: 21 Q. Were you paid by check or by cash? 22 A. Check. 23 Q. And then -- 24 A. I assume. 25 Q. Were the checks made out to Mike</p>

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<p style="text-align: right;">Page 61</p> <p>1 Riley or were they made out to Ohio Rock? 2 A. Ohio Rock. 3 Q. If you look at the next page, which 4 is 023 at the bottom, the title of that 5 document is Counter Offer. It's dated 6 September 25th, 2012. It indicates that the 7 buyer is Ohio Rock Industries, Limited, and it 8 is an offer to purchase for \$4,000. 9 Did you attempt to purchase, 10 according to what this document indicates, on 11 behalf of Ohio Rock the residence at 50 Shady 12 Street in Wheeling, West Virginia? 13 A. I don't remember the address. 14 Q. Do remember you attempted to 15 purchase a piece of property in Wheeling, West 16 Virginia, through Pam Anderson's office? 17 MR. GUNNER: When you say you, 18 you need to clarify that. 19 MR. BECKER: I'm sorry? 20 MR. GUNNER: When you say you, 21 are you clarifying -- 22 BY MR. BECKER: 23 Q. You on behalf of Ohio Rock attempted 24 to make that purchase, right? 25 A. On behalf of Ohio Rock.</p>	<p style="text-align: right;">Page 63</p> <p>1 BY MR. BECKER: 2 Q. I'll try to be specific. Did Ohio 3 Rock through you write a check for a thousand 4 dollars as earnest money, and then did you on 5 behalf of Ohio Rock send that to Ms. Anderson? 6 A. I don't remember. 7 Q. So you don't deny it, you just don't 8 remember? 9 A. I don't remember. 10 Q. Okay. If you look at page 025, 11 which should be the next one -- you're on 024. 12 Go one more, there are some signatures on page 13 025. It's the third page of this purchase 14 Counter Offer. 15 The printed name is Mike Riley, 16 Ohio Rock, and then there's a signature to the 17 right of that. 18 MR. BECKER: Counsel, can you 19 show him what I'm talking about? 20 MR. GUNNER: He's asking about 21 that signature right there. 22 BY MR. BECKER: 23 Q. Is that your signature? 24 A. It is. 25 Q. Okay. Did you fill out the other</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Yes. 2 A. On behalf of Ohio Rock. 3 Q. Correct. 4 A. On behalf of Ohio Rock. 5 Q. Did you send a thousand dollars as 6 earnest money to try to go forward with that 7 purchase? The counter offer indicates that 8 buyer is to deposit earnest money in the 9 amount of a thousand dollars in the listing 10 agent's escrow account. 11 I'm just asking if that's what 12 you did. Did you send a thousand dollars to 13 Pam Anderson to hold and secure the offer that 14 Ohio Rock was making to purchase -- 15 MR. GUNNER: Just for 16 clarification purposes, anytime you use the 17 term you, are we use assuming you mean Ohio 18 Rock? 19 MR. BECKER: You on behalf of 20 Ohio Rock. I'm assuming he's the one doing it 21 but -- 22 MR. GUNNER: I just want to 23 clarify that he personally sent them a 24 thousand dollars or did Ohio Rock send them a 25 thousand dollars.</p>	<p style="text-align: right;">Page 64</p> <p>1 portions of this page where it says the date 2 and Mike Riley Ohio Rock, or did somebody else 3 do that for you? 4 A. I don't know if Pam did it or I did 5 it. I don't know. 6 Q. But it's your signature? 7 A. That is my signature. 8 Q. And is that the phone number for 9 Ohio Rock that's listed? 10 A. That's my number. 11 Q. You being Mike Riley's number? 12 A. Where? 13 Q. Underneath your signature. 14 A. That is my cell phone number. 15 Q. Okay. That's your cell phone? 16 A. Uh-huh. 17 Q. Who pays the cell phone bill, you or 18 Ohio Rock? 19 A. It would depend. 20 Q. What would it depend on? 21 A. Sometimes I paid it as Mike Riley. 22 Sometimes Ohio Rock paid it. 23 Q. Who would make the decisions to 24 which would make the payment? You? 25 A. I don't know.</p>

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1 Q. Well, you paid the bill, right? 2 You, Mike Riley, paid the bill for the cell 3 phone. Is it in your name or is it in Ohio 4 Rock's name? 5 A. It's in my name. 6 Q. So you are responsible for paying 7 that bill to the phone company? They send you 8 a bill and you pay it, right? 9 A. Yes. 10 Q. And you make the decision of whether 11 you're going to pay all or portions of a bill 12 with an Ohio Rock check or with your own 13 personal -- 14 A. I don't understand what you're 15 saying. 16 Q. When you get the bill -- you get it 17 monthly? 18 A. Yes. 19 Q. All right. Does it come to that 20 Etna address? 21 A. Yes. 22 Q. The P.O. Box? 23 A. Uh-huh. 24 Q. So when the bill comes from the 25 phone company -- which phone service do you	Page 65 1 own? 2 A. I did it on my own. 3 Q. That's one of those bills you've 4 done in the past and nobody has ever told you 5 not to do it, right? 6 A. Yes. 7 MR. BECKER: Counsel, if you can 8 direct him to pages 036 and 037. There's a 9 signature on 037 I want him to look at. 10 MR. GUNNER: That's 36. That's 11 37 there. 12 BY MR. BECKER: 13 Q. It's a two-page document as your 14 counsel has shown you. 036 is the first page 15 which says it's a James Harris Real Estate 16 General Policy on Agency, and it finishes on 17 the second page, which is GMR 037. 18 There's a date at the bottom 19 where it was signed by Pam Anderson on one 20 side as agent and then there's a client 21 signature line next it dated 8/24/12. I need 22 to know whether that's your signature. 23 A. That is my signature. 24 MR. BECKER: Okay. Thank you. 25 Counsel, if you can direct him to 042 and 043.
Page 66 1 use? 2 A. I don't remember. 3 Q. Do you still have it? 4 A. Yes. 5 Q. What service do you use? Is it 6 Verizon? Is it something else? 7 A. I don't know. 8 Q. You don't know what phone service 9 you have? 10 A. Could be Verizon. I don't know. 11 Q. All right. So when a bill comes, it 12 has to be paid. You told me that sometimes it 13 depends on whether Ohio Rock pays the bill or 14 if you pay the bill, Mike Riley. 15 I'm trying to ask who makes that 16 decision as to which account it's going to 17 come out of? 18 A. I make the decision for Mike Riley. 19 Q. Who makes the decision for Ohio 20 Rock? 21 A. I don't know. 22 Q. Well, if you write a check from an 23 Ohio Rock account to pay your cell phone bill, 24 do you have to ask somebody for permission or 25 do you just get to decide to do that on your	Page 66 1 MR. GUNNER: That's 42 and 43. 2 BY MR. BECKER: 3 Q. All right. This is a two-page 4 document. There is a check on the second 5 page, if you would look at that. Do you have 6 that in front of you there? Okay. Is that 7 your signature on the Ohio Rock Industries, 8 Limited check 18286? 9 A. I believe so. 10 Q. And it's for a thousand dollars, 11 correct? 12 A. Yes. 13 Q. And it's made out to Jim Harris, is 14 it not? 15 A. Yes. 16 Q. In the for line where you're 17 describing why you're writing that check, it 18 says 50 Shady, does it not? 19 A. If that's what it says. 20 MR. GUNNER: Can you read it? 21 Did you write that on the check? Can you read 22 what that says? 23 THE WITNESS: I don't know if I 24 filled that out. 25 MR. GUNNER: Okay.

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1 THE WITNESS: Pam may have.
2 BY MR. BECKER:
3 Q. Does that help refresh your
4 recollection that you were attempting to buy
5 50 Shady?
6 A. I as Ohio Rock or I as Mike Riley?
7 Q. You as Ohio Rock. You were trying
8 to figure out whether -- you told me you
9 didn't remember the address. I told you it
10 was 50 Shady Street.
11 I'm showing you now a check for a
12 thousand dollars earnest money that appears to
13 be for 50 Shady Street.
14 A. Okay.
15 Q. So does that help you remember what
16 the address was you were trying to buy for
17 Ohio Rock?
18 A. Yes.
19 Q. You would have sent these documents
20 to Pam at her request, right? The check and
21 the first page is a PNC banking statement for
22 Ohio Rock showing there was a little over
23 \$40,000 in that checking account at the time,
24 right?
25 MR. GUNNER: Are you asking him

1 whether he sent the statement to Pam or
2 whether the account shows a \$40,000 balance.
3 MR. BECKER: Good point.
4 BY MR. BECKER:
5 Q. First of all, did you send these
6 documents to Pam Anderson, the check and the
7 banking statement that's attached to it?
8 A. I don't know. I don't remember.
9 Q. Well, she was wanting earnest money
10 for the purchase that you were trying to make
11 for Ohio Rock on that property and --
12 A. So I probably sent the check.
13 Q. Okay.
14 MR. GUNNER: He's asking also did
15 you send --
16 BY MR. BECKER:
17 Q. Did you send the banking statement
18 for Ohio Rock's account showing that it had in
19 it in August of 2012 \$40999.20?
20 A. I don't know. I don't remember.
21 MR. BECKER: The next document is
22 a series of documents. Counsel, if you'd show
23 him 44 through 48.
24 MR. GUNNER: He's talking about
25 that one. There's 44, 45, 46, 47, 48.

1 BY MR. BECKER:
2 Q. Those are documents concerning the
3 establishment of Ohio Rock Industries,
4 Limited, as an Ohio entity. My question is,
5 did you send this package of documents to Pam
6 Anderson or did somebody else do that for you?
7 A. I think Pam may have got them
8 herself somehow.
9 Q. So you didn't mail them to her or
10 e-mail them to her?
11 A. I don't remember. I don't know.
12 Q. It's possible you did, you just
13 don't remember?
14 A. I don't remember. I think Pam may
15 have got that herself.
16 MR. BECKER: The next document,
17 Counsel, is 049 and 050.
18 MR. GUNNER: This is 49 and 50.
19 MR. BECKER: Actually, 51 as
20 well.
21 MR. GUNNER: Okay.
22 MR. BECKER: And 52, that series.
23 BY MR. BECKER:
24 Q. Okay. The first document is copy of
25 a letter from Zacks Law Group, LLC, dated

1 October 3rd, 2012. It's signed by someone and
2 underneath that signature is Marcus D. Dunn.
3 Do you see that?
4 MR. GUNNER: He's talking about
5 this letterhead here.
6 THE WITNESS: Okay. If that's
7 what you say.
8 BY MR. BECKER:
9 Q. Did you sign that document?
10 A. I didn't sign this.
11 Q. Okay.
12 MR. GUNNER: That's what he's
13 asking you.
14 BY MR. BECKER:
15 Q. Did you sign -- you didn't sign this
16 document, right?
17 A. I don't believe so. It's not my
18 signature.
19 Q. Okay. Did you send this document to
20 Ms. Anderson or did somebody else on behalf of
21 Ohio Rock?
22 A. I don't know.
23 Q. You don't recall one way or the
24 other?
25 A. I don't remember.

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<p style="text-align: right;">Page 73</p> <p>1 Q. So it's possible you did? 2 A. I don't remember. 3 Q. Okay. The next page indicates that 4 Stacia Johnson is the secretary for Ohio Rock 5 Industries, Limited. Who is Stacia Johnson? 6 MR. GUNNER: He wants to know who 7 that is. Do you know a Stacia Johnson? 8 That's what he's asking you. 9 THE WITNESS: She helped. 10 BY MR. BECKER: 11 Q. Who is she? 12 A. A lady that helped. 13 Q. Helped what? 14 A. Whatever needs to be done. 15 Q. And how did you come to know 16 Ms. Johnson? 17 A. I don't even remember. 18 Q. And did you give her the letterhead 19 that this is on? Was this a piece of paper 20 that Ohio Rock used to transact business? It 21 says Ohio Rock at the top. 22 A. I don't know. 23 Q. Is that her signature? 24 A. I can't answer that. I'm not Stella 25 or whatever her name is.</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Maybe a month. 2 Q. When? 3 A. I don't remember. 4 Q. Last year? Year before? 5 A. I don't remember. 6 Q. Was she working for Ohio Rock during 7 the period of time that Ohio Rock was 8 attempting to purchase the real estate in West 9 Virginia? 10 A. I'd have to assume. 11 Q. Okay. Did you send this piece of 12 paper to Pam Anderson as part of the attempt 13 to purchase for Ohio Rock the residence, or 14 the property in West Virginia? 15 A. I don't remember. 16 Q. You don't deny it, you just don't 17 remember it? 18 A. I don't remember. 19 Q. Where is Stacia Johnson now? 20 A. I don't know. 21 Q. Does she still work for Ohio Rock? 22 A. I don't think so. 23 Q. When is the last time you did any 24 work with her on behalf of Ohio Rock? 25 A. I don't remember.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. The document says that George 2 M. Riley is an authorized signer for any and 3 all documents for Ohio Rock Industries, 4 Limited. Was that accurate when that was 5 stated? 6 A. I thought you said that's what Mark 7 said. 8 Q. He did. Now this is another 9 document which Stacia Johnson, who says she's 10 the secretary of Ohio Rock Industries, 11 Limited, who says the same thing and she's 12 addressing it to whom it may concern. 13 A. Okay. 14 Q. Was that accurate? 15 A. If that's what they said. 16 Q. Okay. And how was Stacia Johnson 17 paid for her work for Ohio Rock? 18 A. She had to write a check. 19 Q. Out of Ohio Rock's account? 20 A. Yes. 21 Q. To herself? 22 A. Yes. 23 Q. How long did she work for Ohio Rock? 24 A. I don't even know. 25 Q. Weeks? Months? Years?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. You don't know where she's at now? 2 A. I don't. 3 Q. The next page is -- actually, it's 4 two pages. It's similar to the pages I showed 5 you earlier where there was e-mail traffic 6 indicating that Mr. Dunn had sent you, mriley 7 and mrileysr@ohiorockindustries.com documents 8 that according to this were forwarded to Pam 9 Anderson and to her employer at the Harris 10 Real Estate Company. 11 Does this refresh your 12 recollection that that's what you did? You 13 forwarded documents? 14 A. No, it does not refresh it because I 15 don't remember this. 16 Q. You don't deny it, you just still 17 don't remember it? 18 A. I don't remember. 19 Q. But you don't deny it? Sir? You 20 don't deny forwarding documents that got from 21 Marcus Dunn -- 22 A. I don't remember. 23 Q. I know. 24 A. Period. Period. I don't remember. 25 Q. Do you deny it?</p>

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<p style="text-align: right;">Page 77</p> <p>1 A. I don't remember. 2 Q. The next documents are the documents 3 I showed you earlier for Ohio Rock Industries, 4 Limited, the First Amendment to the Operating 5 Agreement and then also the original Operating 6 Agreement. The e-mail following, or I'm sorry 7 the document following those is 077. 8 MR. BECKER: Counsel, if you'd 9 show him 077. 10 MR. GUNNER: That's what he's 11 talking about. 12 BY MR. BECKER: 13 Q. That letter is -- I'm sorry, that 14 document, 077, at the top there is an e-mail 15 from Mike Riley, the e-mail address being 16 mriley@ohiorockindustries.com, you told me 17 earlier that was your e-mail, correct? That's 18 the e-mail address you used for Ohio Rock, 19 right? You need to answer yes or no. 20 A. Yes. 21 Q. Okay. And it indicates that you 22 e-mailed to Pam Anderson at panderson@hre -- 23 Harris Real Estate -- @att.net on October 24 11th, 2012, you copied yourself at 25 ohiorockindustries.com --</p>	<p style="text-align: right;">Page 79</p> <p>1 mriley@ohiorockindustries.com, which you told 2 me is your e-mail address for Ohio Rock, 3 right? 4 A. Okay. 5 Q. It was sent to 6 panderson.hre@att.net. It's dated October 7 11th, 2012. It was also copied -- when you 8 sent it to Ms. Anderson, you also copied your 9 own e-mail address, and the subject was 50 10 Shady, forward. Actually, forward colon 50 11 Shady. 12 So according to this beginning -- 13 and you told me to go a step at a time and I'm 14 trying -- the beginning there it looks to me 15 like you're sending an e-mail to Pam Anderson 16 and the topic is you're forwarding documents 17 relative to 50 Shady, which is the real estate 18 in West Virginia in that period of time. Does 19 that all sound right? 20 A. If that's what you say. 21 Q. That's what the document says. You 22 told me you didn't remember, and I'm trying to 23 see if this helps you remember that that's 24 what you did. 25 A. That's what I did?</p>
<p style="text-align: right;">Page 78</p> <p>1 A. I copied what? 2 Q. You sent the same copy of that 3 e-mail that you were going to send to Pam 4 Anderson back to yourself and the subject was 5 50 Shady, forward. And it was in response to 6 REO Repair Coordinator -- 7 MR. GUNNER: He's talking about 8 this up there. 9 THE WITNESS: There's more stuff 10 on this page. 11 BY MR. BECKER: 12 Q. I understand. 13 A. Okay. So break it down because 14 you're saying things -- 15 Q. I'm trying to. 16 A. Start from the top and let's work 17 from the top down so I understand. 18 Q. All right. The very top it says 19 print. 20 A. Okay. 21 Q. So Pam Anderson or somebody in her 22 office printed this document out. 23 A. Okay. 24 Q. It was from, on the from line, Mike 25 Riley, open paren,</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Yes. You forwarded some documents 2 to Pam Anderson on October 11th. 3 A. I don't know if I did or not. 4 Q. Well, this document indicates you 5 did. Are you denying it or are you saying -- 6 A. I don't remember. 7 Q. So you're not denying it. If Ms. 8 Anderson says -- 9 A. I'm not admitting it. I'm saying I 10 don't know. 11 Q. I understand. If Ms. Anderson says 12 she got these documents from you, you're not 13 going to deny that then, right? 14 A. I can't answer that. 15 Q. All right. The e-mail below that, 16 the we just talked about, indicates that the 17 agent buyer has 24 hours to return the 18 following documents. And those are listed as 19 trust documents for both trusts, the Operating 20 Agreement showing owners of the company for 21 both states Ohio and West Virginia. 22 Did you send that documentation 23 that was being requested to Ms. Anderson? 24 A. I don't know. 25 Q. Isn't that why you forwarded the</p>

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<p>1 documents from your attorney showing the 2 Operating Agreement?</p> <p>3 A. What are you accusing me of? What 4 are you saying I did?</p> <p>5 Q. I'm saying that the seller of the 6 property that Ohio Rock was trying to buy in 7 West Virginia provided you information that 8 they needed documentation on who the owner was 9 of Ohio Rock, and you then requested that 10 information from your lawyer, Mr. Dunn, who 11 sent it to you by e-mail and you forwarded 12 that then to Ms. Anderson.</p> <p>13 A. I don't know if I did that.</p> <p>14 Q. You don't deny it, you just don't 15 remember?</p> <p>16 A. I don't remember.</p> <p>17 Q. Okay. If you look at page 78 -- 18 counsel, if you can help him -- that e-mail in 19 the middle was sent from yuge.bi, B as in boy, 20 @wellsfargo.com. It was sent to Ms. Anderson 21 at jhre@msn.com, somebody at Wells Fargo, and 22 to mriley@ohiorockindustries.com.</p> <p>23 Do you see your e-mail address in 24 that chain?</p> <p>25 MR. BECKER: Counsel, if you can</p>	<p>1 Rock to purchase the property in West Virginia 2 at 50 Shady Street, initially you were trying 3 to do it on behalf of Ohio Rock. Did you then 4 later decide to try to buy it personally as 5 opposed to Ohio Rock?</p> <p>6 A. I don't remember.</p> <p>7 Q. Again, you don't deny it, you just 8 don't remember?</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. And then the next document --</p> <p>11 A. But set the record straight. Where 12 he said he spoke and informed his whatever you 13 said that he said that I owned a company or 14 something, I don't own a company and nor did I 15 tell him I owned that company.</p> <p>16 MR. BECKER: Okay. The next 17 page, 79, Counsel, if you would help him.</p> <p>18 MR. GUNNER: You've got it.</p> <p>19 BY MR. BECKER:</p> <p>20 Q. It's an e-mail from Ms. Anderson 21 back to Yuge.Bi. Again, the subject is 50 22 Shady Street with the identification number on 23 it. And Ms. Anderson is saying to Yuge, 24 please find attached the buyer signed contract 25 changing the buyer's name from his business</p>
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<p style="text-align: right;">Page 85</p> <p>1 Is it your position that 2 Mr. Riley is employed by Ohio Rock such that 3 you can have a conversation as the counsel for 4 Ohio Rock with Mr. Riley and it be privileged? 5 MS. MORRISON: Yes. My 6 understanding is any conversation with 7 Mr. Riley is privileged on behalf of Ohio Rock 8 because Mr. Riley is an agent of Ohio Rock. 9 MR. BECKER: Okay. 10 BY MR. BECKER: 11 Q. Mr. Riley, when we took the break, 12 we were having a conversation based on the 13 documents which seem to indicate that you were 14 initially attempting on behalf of Ohio Rock to 15 purchase some real estate at 50 Shady in West 16 Virginia and that there was some discussion 17 that you had then changed and were going to 18 try to buy that property in your own personal 19 capacity and you asked to take a break and had 20 your conversations with counsel. 21 Can you provide me with the 22 answer to the question? Did you attempt to in 23 October of 2012 purchase the property in West 24 Virginia at 50 Shady personally as opposed to 25 on behalf of Ohio Rock?</p>	<p style="text-align: right;">Page 87</p> <p>1 A. I did. 2 Q. Did you later try and buy the same 3 property in your own personal name? 4 A. Pam told me it needed to go into my 5 name. 6 Q. So that's what you did? 7 A. That's what I did. 8 Q. Okay. So you then did try to put it 9 in your own personal name and tried to make 10 the purchase? 11 A. Advised by the realtor. 12 Q. Okay. So then you sent some 13 documents to her, one of which would be -- 14 Counsel, if you could show him -- GMR 96. 15 I'll be looking for a signature identification 16 is all. You've got 96 there, sir? 17 Okay. 96 is a Purchase Agreement 18 Inspection Rider/Waiver for the property that 19 we've been discussing. It's dated October 20 5th, 2012. It says that Wells Fargo is the 21 seller and that George Michael Riley, Senior, 22 is the buyer. There's some handwriting at the 23 top of that page. Is that your handwriting or 24 someone else's? 25 A. It's someone else's.</p>
<p style="text-align: right;">Page 86</p> <p>1 A. I don't understand what you're 2 saying. 3 Q. Well, do you deny that the documents 4 indicate that you attempted to purchase the 5 property at 50 Shady in West Virginia in your 6 own personal name as opposed to the name of 7 Ohio Rock? 8 A. That is correct. 9 Q. You deny it? 10 A. I do not deny. 11 Q. You don't deny it, you just don't 12 remember it? 13 A. I didn't say that, either. 14 Q. What are you saying? 15 A. You said -- are you talking on 16 behalf of Ohio Rock or are you talking on 17 behalf of myself? 18 Q. Yeah. 19 A. What's yeah? 20 Q. Let's try to break it down. We'll 21 start over, okay? 22 A. Okay. 23 Q. Did you try and buy the property at 24 50 Shady in West Virginia first on behalf of 25 Ohio Rock?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. There's a signature at the bottom 2 underneath the category that says Waiver of 3 Right to Inspection. It's dated November 6th, 4 2012. There's a buyer line with an X and a 5 signature. Is that your signature on the 6 buyer line? 7 A. Yes. 8 MR. BECKER: Okay. If you'd turn 9 next, Counsel, to GMR 106. 10 BY MR. BECKER: 11 Q. Okay. 106, sir, is another printout 12 of an e-mail transaction. The from line says 13 it's Pam Anderson at her e-mail address. The 14 to line is mriley@ohiorockindustries.com. So 15 it's going to your Ohio Rock e-mail address, 16 right? The second line there. 17 A. If that's what you say. 18 Q. Can you recognize that as your 19 e-mail address? You previously indicated it 20 was. 21 A. Yes. 22 Q. It's dated October 1st, 2012 and the 23 subject is 50 Shady, the same piece of real 24 estate we've been discussing. I'm going to 25 read you the text and your counsel can correct</p>

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<p style="text-align: right;">Page 89</p> <p>1 me if I'm wrong. 2 It says, hi, Mike. We need some 3 sort of notarized letter that states you are 4 able to sign on behalf of Ohio Rock 5 Industries, period. We will need Marcus 6 Dunn's date of birth and home address. Thank, 7 you Pam Anderson. That's what the document 8 says. 9 If you then look at GMR 103, 104, 10 and 105. The date of this document in the 11 middle is from Marcus Dunn dated October 3rd, 12 2012, so two days after the one that Pam 13 Anderson sent to you saying she needed a 14 notarized letter. 15 This one is dated two days later. 16 It's from Marcus Dunn to 17 mriley@ohiorockindustries.com. It says, 18 here's the letter, Mike. Then above that is a 19 forward of the letter -- 20 MR. GUNNER: You need to look at 21 that document. 22 BY MR. BECKER: 23 Q. 103. That letter that you got from 24 Marcus Dunn you're forwarding, according to 25 this, to James Harris Real Estate. So</p>	<p style="text-align: right;">Page 91</p> <p>1 understand. 2 Q. You can either tell me you deny it 3 or you don't remember it, but we're going to 4 go through it. 5 A. Okay. 6 Q. The e-mail of October 1st that we 7 started with -- 8 A. I don't understand this kind of 9 stuff. Just to let you know again, I don't 10 understand it. I don't understand what you 11 mean by forward this and this, so you 12 understand. 13 Q. Well, you told me earlier in the 14 deposition, Mr. Riley, that with your 15 computer, your laptop, you knew how to forward 16 e-mails. 17 A. Right. And Pam helped me. 18 Q. That's all we're doing here. 19 A. Okay. 20 Q. What I'm trying to say to you is 21 that there's e-mail traffic from Pam Anderson 22 to you saying we need a notarized letter that 23 says you're able to sign on behalf of Ohio 24 Rock. 25 A. Okay.</p>
<p style="text-align: right;">Page 90</p> <p>1 jhre@msn.com. Do you see that? 2 A. I see it but I don't understand it. 3 Q. Well, it appears from these 4 documents that Ms. Anderson on October 1st 5 told you that you needed a notarized letter 6 that states you're able to sign. 7 A. No. She told me she needed to know 8 who the owners was. And I didn't know who 9 they was. And I called to get -- I don't know 10 who the owners were or was. 11 Q. Who did you call? 12 A. I called Mark. 13 Q. Marcus Dunn? 14 A. And she said, Mike, I need to know 15 who the owners are so we can do the title. 16 Q. Right. 17 A. She said, without that we can't do 18 it. Put it in your name. 19 Q. Okay. 20 A. And that's what I did. I did what 21 Pam told me to do. 22 Q. But what I'm trying to confirm -- 23 A. That's what happened. 24 Q. I understand. 25 A. So all this other stuff I don't</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. There's then an e-mail from Marcus 2 Dunn to you saying here's the letter. If you 3 look, attached to that at page 105 is a letter 4 from Marcus Dunn, Zacks Law Group, stating 5 that as legal counsel for Ohio Rock 6 Industries, Limited, the purpose of that 7 letter is confirm that George Michael Riley is 8 the authorized representative of Ohio Rock. 9 Then the e-mail goes on to 10 indicate you forwarded the letter you got from 11 Marcus Dunn. 12 A. It came from my computer. It 13 doesn't mean I did it. 14 Q. Well, somebody forwarded it from 15 your computer to -- 16 A. Right. Maybe. I don't know. I can 17 only go by what you tell me. 18 Q. What I want to know is whether you 19 remember doing it, first of all. Do you 20 remember forwarding the letter that you got 21 from Marcus Dunn? 22 A. I don't. 23 Q. Okay. Now the second question is, 24 do you deny that you did? 25 A. I don't deny it. I don't remember</p>

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<p style="text-align: right;">Page 93</p> <p>1 it. 2 Q. That's what I wanted to know. Thank 3 you. 4 All right. Did either you or 5 Ohio Rock ever purchase the property at 50 6 Shady in West Virginia? 7 A. I don't understand what you're 8 saying. 9 Q. We just spent about the last hour or 10 so going through documents where first Ohio 11 Rock and then you personally were trying to 12 buy a piece of property in West Virginia at 50 13 Shady, right? 14 A. Yes. 15 Q. My question now is, did you 16 personally or did Ohio Rock ever end up buying 17 the property or did you not? 18 A. Does any of the documents say that? 19 Q. I'm just asking you, sir. 20 A. I don't, I don't have that answer. 21 Q. So has Ohio Rock through you 22 purchased real estate? 23 A. No. Tried to or -- 24 Q. No. Actually purchased it. Become 25 the owner. So the answer is no?</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. Did Ohio Rock have a storage 2 facility through U-Haul? 3 A. I don't know. 4 Q. Did you ever make any agreements 5 with U-Haul for a self-storage unit on behalf 6 of Ohio Rock? 7 A. I don't remember. 8 (Plaintiff's Exhibit 9 was marked 9 for identification.) 10 BY MR. BECKER: 11 Q. Sir, I've handed you and your 12 counsel separately a pack of documents that 13 start -- again, we've got these numbers down 14 at the bottom right that tell you pages. So 15 they start with GMR 001 and they run through 16 GMR 020. 17 So we'll do the same type of 18 thing. When I want you to go to a page 19 number, that's the number I'm referring to. 20 Are you with me? Do you understand? 21 A. Yeah. Go ahead. 22 Q. All right. So the document at the 23 top of the first page there indicates that the 24 customer is Michael Riley, Senior, with an 25 address of T111 Riley Road in Barton, Ohio.</p>
<p style="text-align: right;">Page 94</p> <p>1 A. It's no. 2 Q. Have you personally bought any 3 property in the last two years? 4 A. I was unable. 5 Q. So you tried. But my question is, 6 did you actually ever purchase any property? 7 A. I was unable. 8 Q. Were there other situations other 9 than the ones we've just been talking about at 10 50 Shady where you tried to purchase property 11 for Ohio Rock? 12 A. No. 13 Q. This is the only one you ever tried 14 to buy for Ohio Rock? 15 A. Yes. 16 Q. And what about for yourself 17 personally? Have you attempted to buy any 18 real estate in the last two years? 19 A. No. 20 MS. MORRISON: Objection. 21 Relevancy. This is as to Ohio Rock only not 22 as to whether Mr. Riley purchased any 23 personally. You don't have to answer. 24 THE WITNESS: Thank you. 25 BY MR. BECKER:</p>	<p style="text-align: right;">Page 96</p> <p>1 That's your parents' address, is it not? 2 A. I believe. 3 Q. Okay. And does that help refresh 4 your recollection that either you or Ohio Rock 5 had a U-Haul self -- 6 A. Is there anything on here that says 7 Ohio Rock? 8 Q. If you go to -- 9 MR. GUNNER: What's your dad's 10 name? 11 THE WITNESS: Anthony. 12 MR. GUNNER: Okay. 13 BY MR. BECKER: 14 Q. Are you saying that this was an 15 agreement that you had personally and not 16 through Ohio Rock? 17 A. I don't know. I'm asking you if 18 there's anything on here of Ohio Rock's. 19 Q. I don't have to answer the question, 20 sir. You're supposed to answer them. 21 Do you have -- if you look at 22 page 4, 004, you were providing U-Haul Moving 23 & Storage of Newark, Ohio under their storage 24 rental agreement an e-mail address of 25 mriley@ohiorockindustries.com. That's your</p>

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<p style="text-align: right;">Page 97</p> <p>1 e-mail address, correct? 2 A. Yes. 3 Q. Is that your signature at the bottom 4 of the page? 5 A. It doesn't look like it. 6 Q. So you deny that you signed this? 7 A. You asked me if that was my 8 signature. I said that doesn't look like it. 9 Q. I'm asking you now is that? 10 A. I don't know. It doesn't look like 11 the way I sign my name. 12 MS. MORRISON: I just want to 13 state for the record that the documents we 14 just went over, Bates stamped 001, 004 to 15 Exhibit 9, considering the fact that Mr. Riley 16 does not really know how to read very well, I 17 have seen no indication that any of these 18 documents state anything about Ohio Rock that 19 I've seen, other than the e-mail address used, 20 mrliley@ohiorockindustries.com. 21 Aside from that I don't see any 22 indication that Ohio Rock is part of any of 23 these documents. I just wanted to state that. 24 BY MR. BECKER: 25 Q. So my question then, sir, is you</p>	<p style="text-align: right;">Page 99</p> <p>1 if my, as you say, she's not my ex-wife, got 2 it or -- I don't know. 3 MR. GUNNER: Well, he asked first 4 if you have one. Did you have a storage 5 facility at U-Haul? 6 THE WITNESS: Apparently she put 7 it in my name. 8 BY MR. BECKER: 9 Q. You're saying that this was all done 10 by your wife? 11 A. I don't know. I don't know the 12 answer. 13 Q. Who paid the bill for the storage 14 unit? 15 A. I can't answer that, either. I 16 don't know. 17 Q. Well, the bills were being sent to 18 you at your Riley Road address. They were 19 addressed to Michael Riley, Senior, T111 Riley 20 Road, Barton, Ohio. 21 A. My parents' address? 22 Q. Yes. So that's where the bills were 23 going. My question to you is somebody made a 24 payment -- if you look at page GMR 019, which 25 I believe is the second to the last, it says</p>
<p style="text-align: right;">Page 98</p> <p>1 used the Ohio Rock e-mail address. I'm trying 2 to determine whether there was a storage unit 3 that you rented on behalf of Ohio Rock or if 4 this is a storage unit you rented on behalf of 5 you personally. 6 A. Or it could have been my wife went 7 and rented it for her personal belongings. I 8 don't know. 9 Q. The purpose of that initial question 10 is only so that we know whether we should talk 11 to you about these documents as Ohio Rock or 12 whether we should talk to you as you 13 personally. If it's Ohio Rock, then we'll 14 proceed. 15 MR. GUNNER: I'm going to object. 16 I don't think it's been established that he 17 had a storage -- 18 MR. BECKER: Well, I'm trying to 19 figure that out. I'm trying to figure out 20 whose storage unit it was. 21 MR. GUNNER: Maybe ask him that 22 question, if he had a storage unit. 23 MR. BECKER: I asked him and he 24 told me he didn't remember. 25 THE WITNESS: Okay. I don't know</p>	<p style="text-align: right;">Page 100</p> <p>1 date of last payment, June 12th, 2012. 2 A. I don't know who made that payment. 3 Q. Could it have been that you made 4 that payment with an Ohio Rock check? 5 A. I don't know. 6 Q. What was in the storage unit? 7 A. I don't know. 8 Q. Was it Ohio Rock property or your 9 property? 10 A. I don't know. 11 Q. So have you rented storage units for 12 Ohio Rock? 13 A. No. 14 Q. Have you ever stored anything in a 15 storage unit that was Ohio Rock's property? 16 A. No. 17 Q. So if you had items stored at this 18 particular location, it was your personal 19 property or someone else's but it wasn't Ohio 20 Rock's? Is that what you're telling me? 21 A. That's correct. 22 Q. It was paid with a Visa card, 23 apparently. Did Ohio Rock have a Visa card in 24 October of 2012 that you could use? 25 A. I don't know.</p>

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<p style="text-align: right;">Page 101</p> <p>1 Q. Did you ever use a credit card for 2 Ohio Rock? 3 A. I told you yes. 4 Q. Okay. It's possible that was a Visa 5 card that was Ohio Rock's? 6 A. I don't know. 7 Q. You're not denying it, you just 8 don't know? 9 A. I just don't know. 10 Q. And where would the credit card 11 records for Ohio Rock be? 12 A. I don't understand what you mean. 13 Q. You told me that Ohio Rock had a 14 credit card. 15 A. It was a kind that came out of the 16 checking account. 17 Q. So it was a debit card as opposed to 18 a credit card? 19 A. See what I mean? That's how you do. 20 Q. I'm just asking a follow-up 21 question, sir. 22 A. The answer is the same answer it was 23 before. It's the credit card that comes out 24 of a bank account. He's a banker. Ask him. 25 Q. Was it a Visa card?</p>	<p style="text-align: right;">Page 103</p> <p>1 to establish, ma'am, whether he had a vehicle. 2 Then I'll figure out whether he was using it 3 for Ohio Rock or Mr. Riley personally. I 4 can't ask the second question until I know the 5 answer to the first one. 6 BY MR. BECKER: 7 Q. Were you using a vehicle -- since 8 the time you began working for Ohio Rock, have 9 you used a vehicle? Have you driven a vehicle 10 for your personal or Ohio Rock use? 11 A. Sir, what's the question? For Ohio 12 Rock or for me? 13 Q. Either one first. 14 A. Of course I drive a car. 15 Q. Whose car is it? Ohio Rock's car or 16 your car? 17 A. It's my brother's. 18 Q. Have you used your brother's car for 19 Ohio Rock purposes? 20 A. No. 21 Q. What vehicle did you use for Ohio 22 Rock business? 23 A. Ohio Rock. 24 Q. What kind of car is that? 25 A. It's not a car.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. I don't know. 2 Q. Did you remove any items from the 3 location of the storage unit that we're 4 talking about here? 5 A. I don't understand. 6 Q. Well, they closed the account. 7 A. Okay. 8 Q. It was paid in October of 2012. Did 9 you go, you, Mike Riley, on behalf of Ohio 10 Rock, and remove what was in the storage unit 11 before they closed it? 12 A. I don't remember. 13 Q. Okay. So it's possible you did, you 14 just don't remember? 15 A. Right. 16 Q. Okay. You don't remember what was 17 in it? 18 A. I do not. 19 Q. What vehicle were you utilizing in 20 the fall of 2012? 21 MS. MORRISON: Objection. Are we 22 talking about what vehicle Mr. Riley was 23 utilizing on behalf of any services for Ohio 24 Rock or personally? 25 MR. BECKER: Well, first I have</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. What is it? 2 A. It was a truck. 3 Q. What kind of truck? 4 A. It's an S-10. 5 Q. All right. Is that the only vehicle 6 that you've driven for Ohio Rock? 7 A. No. 8 Q. What else have you driven for Ohio 9 Rock? 10 A. I don't know. 11 Q. Well, cars? Trucks? Tractors? 12 A. Trucks. 13 Q. Other trucks? 14 A. Yes. 15 Q. How many other trucks other than the 16 S-10? 17 A. Maybe one or two. 18 Q. And how were those vehicles titled? 19 Who owns them? 20 A. I assume Ohio Rock. 21 Q. Where did you get them? Where did 22 you get the keys and the vehicles? Who gave 23 them to you? 24 A. Who gave me what? 25 Q. The keys and the vehicles that you</p>

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<p>1 drove for Ohio Rock --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- where did you get them?</p> <p>4 A. They're in it.</p> <p>5 Q. Where did you get the vehicle?</p> <p>6 A. Ohio Rock.</p> <p>7 Q. Who at Ohio Rock?</p> <p>8 A. I don't know.</p> <p>9 Q. Did you use an Ohio Rock checking</p> <p>10 account and go out and purchase a vehicle and</p> <p>11 put it in Ohio Rock's name?</p> <p>12 A. I don't remember.</p> <p>13 Q. Or did somebody else give you a</p> <p>14 vehicle and say you could drive this for Ohio</p> <p>15 Rock purposes?</p> <p>16 A. I don't remember.</p> <p>17 Q. Where are the Ohio Rock vehicles</p> <p>18 kept?</p> <p>19 A. I don't know.</p> <p>20 Q. Are they kept at your apartment?</p> <p>21 A. Nope.</p> <p>22 Q. Where do you get them when you need</p> <p>23 them?</p> <p>24 A. I don't need them.</p> <p>25 Q. Whenever you've driven them, where</p>	<p>1 Q. I'm asking you where you got the</p> <p>2 truck. How did you know it was an Ohio Rock</p> <p>3 truck?</p> <p>4 A. Because Ohio Rock bought it.</p> <p>5 Q. Okay. Did you buy it for Ohio Rock?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Where did you buy it?</p> <p>8 A. Excuse me?</p> <p>9 Q. Where?</p> <p>10 A. I don't know.</p> <p>11 Q. Did you buy it from an individual or</p> <p>12 did you buy it from a lot?</p> <p>13 A. Individual.</p> <p>14 Q. Okay. Did you use an Ohio Rock</p> <p>15 check?</p> <p>16 A. Yes. I think.</p> <p>17 Q. All right. Once you bought it,</p> <p>18 where did you park the S-10?</p> <p>19 A. Wherever I wanted to stop.</p> <p>20 Q. Did you park it at night when you</p> <p>21 went to your apartment?</p> <p>22 A. Yes.</p> <p>23 Q. Where is it now?</p> <p>24 A. The truck?</p> <p>25 Q. Yes.</p>
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<p>1 did you go get them?</p> <p>2 A. Wherever they was at.</p> <p>3 Q. That's what I'm asking.</p> <p>4 A. It could be anywhere. Who knows.</p> <p>5 Q. The last time you went to get an</p> <p>6 Ohio Rock vehicle, where did you pick it up</p> <p>7 at?</p> <p>8 A. I don't know.</p> <p>9 Q. How did you know it was the vehicle</p> <p>10 that you were supposed to drive for Ohio Rock?</p> <p>11 A. How did I know?</p> <p>12 Q. Yes.</p> <p>13 A. I must have got lucky.</p> <p>14 Q. So you just walked down the street,</p> <p>15 found a car that had keys in and assumed it</p> <p>16 was an Ohio Rock vehicle and got in and drove</p> <p>17 it off?</p> <p>18 A. That's fine.</p> <p>19 Q. You tell me. How did you know that</p> <p>20 the vehicle that you were driving was the Ohio</p> <p>21 Rock vehicle? Who told you?</p> <p>22 A. I don't understand your question.</p> <p>23 Q. You told me you drove at least a</p> <p>24 Chevy S-10 truck that was owned by Ohio Rock.</p> <p>25 A. Uh-huh.</p>	<p>1 A. I don't know where it is at the</p> <p>2 moment.</p> <p>3 Q. Does Ohio Rock still own it?</p> <p>4 A. I can't answer that. I don't know.</p> <p>5 Q. Did you sell it?</p> <p>6 A. I didn't.</p> <p>7 Q. Did you give it away?</p> <p>8 A. I did not.</p> <p>9 Q. When is the last time you drove it?</p> <p>10 A. I don't even know.</p> <p>11 Q. Where did you leave it when you</p> <p>12 drove it?</p> <p>13 A. Actually, the motor blew up in it.</p> <p>14 Q. So where did you leave it?</p> <p>15 A. I can't remember.</p> <p>16 MR. BECKER: We need to take a</p> <p>17 break. I need to make a phone call and then</p> <p>18 we'll come back. We'll figure on 15 minutes.</p> <p>19 (WHEREUPON, a recess was taken.)</p> <p>20 BY MR. BECKER:</p> <p>21 Q. We were talking about the Chevy S-10</p> <p>22 when we had a take a quick break. You said</p> <p>23 that the last you knew the engine had blown on</p> <p>24 it and I can't remember if you told me where</p> <p>25 the last place you saw it was or not.</p>

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1 A. I believe it might have been at my
2 brother's.
3 Q. Who has the title to the vehicle?
4 A. I don't know.
5 Q. Well, when you bought it, you said
6 you bought it for Ohio Rock?
7 A. Uh-huh.
8 Q. I assume you used the Ohio Rock
9 account to write a check?
10 A. Uh-huh.
11 Q. In order to take possession of the
12 car, you would have had to have gotten a
13 title.
14 A. Correct.
15 Q. When you got the title, what did you
16 do with it?
17 A. Put it in the glove box.
18 Q. Of the car?
19 A. More than likely.
20 Q. Is it still with the car?
21 A. I don't know.
22 Q. That's a document that belongs to
23 Ohio Rock, right, because it's their car?
24 A. Uh-huh.
25 Q. Did you have to tell anybody from

1 3,850 pounds with a license plate PHP 8531.
2 A. I don't know.
3 Q. Is that a vehicle that you bought
4 for Ohio Rock?
5 A. I don't know.
6 Q. Well, it was going to the P.O. Box
7 135 in Etna, Ohio. That's your P.O. Box,
8 right, that you used for Ohio Rock business,
9 right?
10 A. I don't know what that vehicle is.
11 Q. Did you buy a 2003 year vehicle for
12 Ohio Rock?
13 A. 2003 what?
14 Q. It says a Chevy truck. I don't know
15 the model.
16 A. I don't know.
17 Q. Did Ohio Rock give you any other
18 vehicles to use other than the Chevy S-10 that
19 you bought?
20 A. I don't remember.
21 Q. Was there a 1994 GMC Sonoma that you
22 were using for Ohio Rock?
23 A. Yes.
24 Q. Is that the pickup truck we were
25 talking about?

1 Ohio Rock that the engine blew?
2 A. No.
3 Q. You just went out -- did you go out
4 and buy another car then?
5 A. No.
6 Q. What other vehicles has Ohio Rock
7 purchased through you?
8 A. I don't remember.
9 Q. Well, more than one more?
10 A. I don't know. I don't remember.
11 That S-10 might be gone.
12 Q. It couldn't be sold without somebody
13 transferring the title, right?
14 A. Not to a junkyard.
15 Q. They want a junk title, don't they?
16 A. It could be gone. I may have got
17 rid of it. It could be gone.
18 Q. Do you recall what you did with it?
19 A. I don't.
20 Q. Was it a 2003, the vehicle?
21 A. No.
22 Q. Okay. Ohio Rock Industries is
23 showing at least in, I don't see a date on
24 this one, of having a vehicle which is a 2003
25 Chevy truck, combined gross vehicle weight of

1 A. Yes.
2 Q. So that was a '94 vehicle?
3 A. It could be.
4 Q. Was there a 2001 Freightline that
5 you purchased for Ohio Rock?
6 A. What is it?
7 Q. A Freightline.
8 A. Freightline?
9 Q. Yes.
10 A. I don't know.
11 Q. Actually, there are two of those.
12 Did you buy Freightline vehicles for Ohio Rock
13 that you used?
14 A. I don't remember.
15 Q. Did you buy a 1997 station wagon
16 that you used for Ohio Rock?
17 A. Station wagon?
18 Q. Yes.
19 A. I don't know.
20 Q. Is it possible you did?
21 A. It's possible. I don't remember.
22 Q. Where are the titles of those
23 vehicles?
24 A. I assume in them. I don't recognize
25 the vehicles there.

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1 Q. Did you buy a 2003 Chevrolet K3500
2 for Ohio Rock?
3 A. I don't know.
4 Q. Did you buy a 1998 Ford Explorer for
5 Ohio Rock?
6 A. I don't know.
7 Q. You don't deny it, you just don't
8 remember?
9 A. I don't remember it.
10 Q. Did you buy a 2000 Dodge Durango for
11 Ohio Rock?
12 A. 2000 Dodge Durango?
13 Q. Yes.
14 A. I don't know.
15 Q. Did you buy a --
16 A. Show the counsel what you're looking
17 at. Maybe they can help you.
18 Q. I'm not obligated to show them
19 anything, sir. I'm asking you questions right
20 now.
21 A. I don't know.
22 Q. Did you buy a 1987 Ford for Ohio
23 Rock?
24 A. Is it titled to Ohio Rock?
25 Q. It's to the company name, Ohio Rock

1 Industries.
2 A. Is it titled to Ohio Rock?
3 Q. I'm asking you the questions, sir.
4 A. I don't know. You're asking me
5 something I don't understand. So if it says
6 Ohio Rock, show me where it says Ohio Rock.
7 Q. I'm just asking you whether you did
8 or you didn't. You can either tell me you did
9 or you didn't or you don't remember.
10 A. Unless you made documentation for my
11 counsel to see, I don't know.
12 Q. Okay. Where are the titles to any
13 other vehicles that Ohio Rock Industries uses?
14 A. I have no idea.
15 Q. Do you use any -- when you drove to
16 West Virginia to do the work in West Virginia,
17 the two jobs that you did for Harris Real
18 Estate, which vehicle did you use?
19 A. I don't remember.
20 Q. The 11 -- I'm sorry, the address
21 that we talked about earlier in Barton, Ohio,
22 on Riley Road, T111 Riley Road, you indicated
23 that was your parents' address, correct?
24 A. Yes.
25 Q. Do they still live there?

1 A. My mother is deceased.
2 Q. Does anybody still live at that
3 address?
4 A. I don't know.
5 Q. You don't know if your father still
6 lives at the Riley Road address?
7 A. You'd have to ask him.
8 Q. You list that address on your
9 driver's license in Ohio.
10 A. Excuse me?
11 Q. You use that address for your
12 address on your Ohio driver's license.
13 A. What's that got to do with my mom
14 and dad?
15 Q. I'm just trying to ask who lives
16 there and why did you use that as your address
17 for your Ohio license?
18 A. What's that got to do with my mom
19 and dad?
20 Q. Documents are going to that address
21 that were sent to them, I believe by, I think
22 that was the U-Haul documents that used that
23 address. Yep.
24 A. Okay.
25 Q. So I'm trying to figure out since

1 documents were going there who was there to
2 receive them since you told me you don't live
3 there. You live at this apartment on Moull
4 Street in Newark.
5 A. Right.
6 Q. Who gets the documents at T111 Riley
7 Road?
8 A. I don't know.
9 Q. When was the last time you were
10 there?
11 A. A week ago.
12 Q. Who was there?
13 A. Excuse me?
14 Q. Who was there?
15 A. I was there.
16 Q. Anybody else?
17 A. Myself.
18 Q. Anybody else?
19 A. I went by myself.
20 Q. I know. Was there anybody else
21 there?
22 A. Where?
23 Q. At the address on T111 Riley Road
24 when you arrived.
25 A. Yes.

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1 Q. Who else was there?
2 A. I don't know the guy's name.
3 Q. Were you there on Ohio Rock
4 business?
5 A. No.
6 Q. Okay. What's Auto Recyclers? Does
7 that have anything to do with Ohio Rock?
8 A. No.
9 MR. GUNNER: What's the name of
10 the company you said?
11 MR. BECKER: Auto Recyclers.
12 BY MR. BECKER:
13 Q. Did you ever -- as a representative
14 of Ohio Rock, did you ever have any dealings
15 with Reed Construction Data, LLC?
16 A. What is that?
17 Q. They're in Norcross, Georgia, is
18 their business address. Robert Leavenworth
19 was a senior sales rep.
20 A. I don't know.
21 (Plaintiff's Exhibit 10 was
22 marked for identification.)
23 MR. BECKER: I only have one
24 extra of that one, so you will have to look at
25 that one.

1 BY MR. BECKER:
2 Q. Marked as exhibit 10 is a document
3 that I'd like to see whether you recognize.
4 It's a Reed Construction Data Standard
5 Agreement dated May 24th, 2012 for a specific
6 order, Q041653. Let me know when you've had a
7 chance to look at that document.
8 A. Okay.
9 Q. Is any of the handwriting on this
10 document yours?
11 A. Doesn't look like it.
12 Q. Okay. Did you do any business with
13 Reed Construction Data or attempt to do
14 business on behalf of Ohio Rock with Reed
15 Construction Data in May of 2012?
16 A. I don't remember.
17 Q. You don't deny it, you just don't
18 remember it, correct?
19 A. I gave you my answer.
20 MR. GUNNER: Tell him whether --
21 THE WITNESS: I don't remember.
22 BY MR. BECKER:
23 Q. So you don't deny it?
24 A. I don't remember.
25 Q. The document indicates that the

1 contact name for Ohio Rock Industries is
2 Michael Riley, and it's listed title owner
3 with a Martins Ferry, Ohio, address. Do you
4 see that?
5 A. I do not. You said it says Michael
6 Riley, owner?
7 Q. Yes, sir. Under customer
8 information.
9 MR. BECKER: Counsel, on the far
10 left side about the middle.
11 MR. GUNNER: Far left side?
12 MR. BECKER: Right here.
13 MR. GUNNER: Contact name Michael
14 Riley. Customer information.
15 BY MR. BECKER:
16 Q. Do you see it? So under customer
17 information the first line says, company, Ohio
18 Rock Industries.
19 A. So whoever filled it out --
20 MR. GUNNER: That says up here
21 Ohio Rock Industries, contact name.
22 BY MR. BECKER:
23 Q. Michael Riley, title, owner. And
24 then it has your e-mail address,
25 mriley@ohiorockindustries.com. Do you see

1 that?
2 A. Uh-huh.
3 Q. And the billing information, which
4 is directly next to it, has company, Ohio Rock
5 Industries; Billing Contact, Michael Riley,
6 owner, is the title.
7 A. I'm not the owner.
8 Q. It has your same e-mail address.
9 A. But that's not my writing at the
10 bottom.
11 Q. But you don't deny doing business
12 with Reed Construction Data as Ohio Rock,
13 correct?
14 A. I don't remember.
15 MR. GUNNER: I don't think that's
16 what the document says. I think it's a
17 mischaracterization. I'll object.
18 MS. MORRISON: May I see it,
19 please?
20 MR. GUNNER: That's right up
21 there. It seems to say Ohio Rock Industries
22 is the owner and the contact is Michael Riley.
23 MR. BECKER: I thought that's
24 what I said, but maybe I said it incorrectly.
25 MR. GUNNER: I don't think so. I

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1 think you were saying it says Michael Riley, 2 owner. 3 MR. BECKER: Well, there's a 4 category that says, title, owner, under the 5 name Michael Riley. 6 MR. GUNNER: Yeah. Title of 7 the -- well, I think that's different than 8 what it says at the bottom where it says 9 president. But since he doesn't recognize the 10 document, I guess it doesn't matter. 11 BY MR. BECKER: 12 Q. Okay. Is Ohio Rock Industries 13 authorized to do business in the State of West 14 Virginia? 15 A. I don't know. 16 Q. Did you ever apply to allow Ohio 17 Rock Industries to do business in the State of 18 West Virginia? 19 A. Did I apply? 20 Q. Yes, sir. 21 A. I don't remember. 22 Q. Did the State of West Virginia send 23 Ohio Rock Industries, Limited, a West Virginia 24 sales and use tax return reminder in September 25 of 2012 to the P.O. Box 135, Etna, Ohio,	1 A. Just as I said before, I'd put them 2 in a box. 3 Q. Where is that box now? 4 A. I don't know. 5 Q. Is it at your apartment? 6 A. I don't know. 7 Q. Have you looked for it? 8 A. I have not. 9 Q. When you were asked to give your 10 counsel -- I'm sorry. When you were asked to 11 give Ohio Rock's counsel all the Ohio Rock 12 documents, didn't you go look for that box? 13 A. I don't remember. 14 Q. Have you applied for any building 15 permits through the City of Wheeling on behalf 16 of Ohio Rock Industries? 17 A. Yes. 18 Q. How many? 19 A. I don't know. 20 Q. How many jobs have you done for Ohio 21 Rock in Wheeling? 22 A. I don't remember. 23 Q. Two? Twenty? 24 A. I don't remember. 25 Q. An estimate?
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<p style="text-align: right;">Page 125</p> <p>1 Ohio Rock. 2 Q. Why not? 3 A. How can I? 4 Q. You're the only person that does 5 anything for Ohio Rock, aren't you? 6 A. I don't know. 7 Q. Well, did you do the work for the 8 City of Wheeling that are referenced in these 9 building permits? 10 A. Is my name on them? 11 Q. Well, I guess we'll go through them 12 one at a time. Who's Bernard Glenn, and what 13 relationship does he have to Ohio Rock? 14 MR. GUNNER: We've got those. 15 You can keep those. 16 BY MR. BECKER: 17 Q. Who's Bernard Glenn and what is his 18 relationship to Ohio Rock? 19 A. I don't know. 20 Q. You don't know Bernard Glenn? The 21 first stack of building permit records at 22 document GMR 136 is a submission on behalf of 23 Ohio Rock Industries, Limited, signed by 24 Bernard Glenn listing a P.O. Box of 135 Etna, 25 Ohio, which is your P.O. Box.</p>	<p style="text-align: right;">Page 127</p> <p>1 A. Right. 2 Q. Okay. If you look at GMR 140, which 3 is a couple of pages further into that same 4 packet. There's a letter with a signature at 5 the bottom. The signature is over the top of 6 your name, Michael Riley. Is that your 7 signature? 8 A. I don't know. 9 Q. You can't tell? 10 A. I cannot tell. 11 Q. All right. That page would indicate 12 that Bernard Glenn has hired Ohio Rock 13 Industries, Limited, at 361 and 363 National 14 Road, Wheeling, West Virginia, and it's 15 scheduled for December of 2012. Does that 16 refresh your recollection as to whether you 17 did that work for Ohio Rock? 18 A. I don't know. 19 Q. You don't deny it, though, right? 20 A. I don't remember. 21 Q. That wasn't my question. Do you 22 deny that you did the work for Mr. Glenn? 23 A. I don't understand your question. 24 Q. This document indicates that you 25 agreed that you were going to do this</p>
<p style="text-align: right;">Page 126</p> <p>1 So I'm trying to figure out who 2 Mr. Glenn is and what relationship he had to 3 Ohio Rock. 4 MR. GUNNER: It looks like that's 5 a customer name. 6 BY MR. BECKER: 7 Q. Is Mr. Glenn where the work was to 8 be performed? 9 MR. GUNNER: Page 136. He's 10 talking about this guy down here in this 11 agreement, Mr. Glenn. 12 BY MR. BECKER: 13 Q. Or was -- is he who you were doing 14 the work for? 15 A. When you say you, as in Ohio Rock? 16 Q. Ohio Rock. 17 A. I would assume. 18 Q. Did you do that work at that 19 address? 30 -- let's see, it looks like 20 361/363 National Road, Wheeling, West 21 Virginia. 22 A. I'm not familiar with the address. 23 I don't remember. 24 Q. So you don't deny that you did work 25 there, you just don't remember?</p>	<p style="text-align: right;">Page 128</p> <p>1 demolition -- 2 A. You as in Ohio Rock? 3 Q. You as in Ohio Rock. Did you 4 personally do the work for Ohio Rock at that 5 residence? 6 A. I don't remember. 7 Q. Who else would have done it if Ohio 8 Rock did the work if you didn't? 9 A. I don't remember. 10 Q. Is there anybody else that you know 11 that would have done demolition work for Ohio 12 Rock in 2012 if you personally were the one 13 that didn't do the work? 14 A. I don't remember. 15 Q. Well, was there anybody else working 16 for Ohio Rock in 2012 other than you doing 17 demolition work in West Virginia? 18 A. I don't know. 19 Q. You're the general manager of Ohio 20 Rock. You don't know if there was anybody 21 doing work for Ohio Rock? 22 A. I don't know. 23 Q. If you look at document GMR 170. It 24 should be about three stacks in. It should be 25 the first page of this stack. 170 at the</p>

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1 bottom. Do you have it? 2 A. I do. 3 Q. Go to the second page of that 4 packet. There's a building permit application 5 document that has a signature at the bottom 6 with your printed name over it. Do you see 7 that? 8 A. I do. 9 Q. Is that your signature? 10 A. It does not look like it. 11 Q. Did you submit on behalf of Ohio 12 Rock -- in June of 2012 did you submit a 13 building permit application to Wheeling, the 14 City of Wheeling, West Virginia, for the 15 address at 1133 Fort Henry Avenue? 16 A. I don't remember. 17 Q. You don't deny that you did? 18 A. I don't remember. 19 Q. Who is Katharine Corbin relative to 20 Ohio Rock Industries? 21 A. I think you know that answer. 22 Q. I don't know the answer to that. 23 A. Okay. 24 Q. So who is she? 25 A. That is my wife.	Page 129 1 in July of 2012? 2 A. I don't know. She typed this up. 3 Q. Did you hire her to do that 4 position? 5 A. She was my wife. I don't know 6 what -- 7 Q. Was she working for Ohio Rock 8 Industries, Limited, in July 2012 as this 9 paper would indicate she was? 10 A. I don't know. 11 Q. How was she paid? 12 A. I don't know. 13 Q. Did you ever pay her for Ohio Rock? 14 A. Probably not. 15 Q. Did you designate her as the 16 director of compliance for Ohio Rock 17 Industries, Limited? 18 A. Not that I remember. 19 Q. Did you authorize her to send this 20 correspondence on behalf of Ohio Rock? 21 A. I may have. I don't remember. 22 Q. But you may have, correct? 23 A. I could have. 24 Q. If you look further in that packet 25 at page 212 --
Page 130 1 Q. So in July of 2012 your wife was 2 going also by the name of Katharine Corbin? 3 A. I assume, if that's what it says. 4 Q. If you look at GMR 208 -- let me 5 know when you've gotten to that page. 6 MR. GUNNER: Wait a minute. 7 You're going too far. 8 THE WITNESS: 298? 9 MR. BECKER: 208. 10 BY MR. BECKER: 11 Q. Document 208 is on Ohio Rock 12 Industries, Limited, letterhead. Do you see 13 that at the top? 14 A. I do. 15 Q. All right. And at the bottom after 16 the word sincerely, there's a typed statement, 17 Katharine Corbin, K-A-T-H-A-R-I-N-E, 18 C-O-R-B-I-N, listed as the Director of 19 Compliance for Ohio Rock Industries, Limited, 20 with the same P.O. Box in Etna, Ohio, that you 21 indicated was your P.O. Box 135. Do you see 22 that? 23 A. I do. 24 Q. Was Katharine Corbin the director of 25 compliance for Ohio Rock Industries, Limited,	Page 130 1 A. Uh-huh. 2 Q. -- it's a Notification of Abatement, 3 Demolition, or Renovation for Project Number 4 LES12-092, and it lists the other 5 contractor -- Counsel, can you help him so he 6 knows -- other contractor -- it's about the 7 fifth one down. 8 MR. GUNNER: Other contractor. 9 THE WITNESS: Okay. 10 BY MR. BECKER: 11 Q. It lists Ohio Rock with a Martins 12 Ferry address with the contact person being 13 Mike Riley with a phone number of 14 (740)232-5633, which I think you told me was 15 your cell number, correct? 16 A. It is. 17 Q. So did Ohio Rock perform the work 18 that's listed in the packet number Permit 19 BP38700? Did you guys do that work? 20 A. I don't know. 21 Q. If the work was done by Ohio Rock, 22 are you the one that performed the demolition? 23 A. I don't remember. 24 Q. Would there have been anybody else 25 in July of 2012 that would have performed

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<p style="text-align: right;">Page 133</p> <p>1 demolition work for Ohio Rock other than you? 2 A. I don't know. 3 Q. You don't deny you did the work, you 4 just don't recall? 5 A. I don't know. 6 Q. If you look at the next packet, it 7 starts with GMR 215. This is a building 8 permit BP38644 for an address at 3838 9 McCulloch, M-C-C-O-L-L-O-C-H, Street. The 10 second page of that packet has a signature of 11 applicant line at the bottom with a printed 12 name. Is that your signature above Signature 13 of Applicant? 14 A. It could be. 15 Q. Underneath the printed name it says, 16 Mike Riley, owner/contractor, Ohio Rock. Do 17 you see that? 18 A. I do. 19 Q. Is that your handwriting or someone 20 else's? 21 A. I don't know. 22 Q. Do you remember doing the work at 23 3838 McCulloch in Wheeling, West Virginia, on 24 behalf of Ohio Rock? 25 A. I don't remember.</p>	<p style="text-align: right;">Page 135</p> <p>1 didn't ask me. 2 Q. Well, these documents on page 2 3 indicate -- 4 A. You said Ohio Rock. 5 Q. These documents indicate you were 6 the one on behalf of Ohio Rock submitting the 7 application and the application goes on -- 8 A. Your question was? Repeat your 9 question to me again, please. 10 Q. Why did Ohio Rock list 101 North 11 Zane Highway in Martins Ferry, Ohio, as its 12 business address? 13 A. I don't know. 14 Q. You don't know what's located there? 15 A. I don't know. 16 Q. Did Ohio Rock ever own any real 17 estate in Martins Ferry? 18 A. I can't answer that. I don't know. 19 Q. To your knowledge? 20 A. To my knowledge I don't believe so. 21 Q. Did they ever rent or lease any real 22 estate in Martins Ferry? 23 A. I don't know. 24 Q. Where does Ohio Rock purchase its 25 insurance from?</p>
<p style="text-align: right;">Page 134</p> <p>1 Q. Did Ohio Rock ever use a 101 North 2 Zane Highway, Martins Ferry address? 3 A. If it's on here they did. 4 Q. What is at that address, and why did 5 Ohio Rock use it? 6 A. I don't, I don't know. I don't 7 remember. 8 Q. Does Ohio Rock own a piece of real 9 estate at that location at Martins Ferry? 10 A. I don't know. 11 Q. Well, on page GMR 218 under other 12 contractor, the name is Ohio Rock and the 13 address is 101 North Zane Highway, city is 14 Martins Ferry, State of Ohio. Contact person, 15 Mike Riley. Was Ohio Rock using 101 North 16 Zane Highway as a business address? 17 A. By the documentation that I have it 18 looks like they have. 19 Q. Okay. What is at 101 North Zane 20 Highway? Is it a house? Is it a building? 21 A. I don't know. 22 Q. Why did you use that address? 23 A. Excuse me? 24 Q. Why did you -- 25 A. You asked about Ohio Rock. You</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I don't know. 2 Q. Well, have you on behalf of Ohio 3 Rock purchased any insurance for Ohio Rock 4 ever? 5 A. I don't remember. 6 Q. If you look at page GMR 230 -- let 7 me know when you get there. It should be the 8 second to last page of that packet. 9 A. Okay. 10 Q. There's a Certificate of Liability 11 Insurance at that page that lists the insured 12 as Ohio Rock with an address where Mr. Dunn 13 practices law, 33 South James Road, Columbus 14 Ohio, 43213. Do you see that? 15 A. I do. 16 Q. And there's an assured on this one 17 that I can't read, which is why I'm asking you 18 the question of -- is it Colony Insurance 19 Company, maybe? Is that who Ohio Rock 20 purchased its liability insurance through? 21 A. I don't know. 22 Q. Did you ever write the checks for 23 the liability insurance for Ohio Rock? 24 A. I don't remember. 25 Q. Every time you submitted an</p>

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<p style="text-align: right;">Page 137</p> <p>1 application for a building permit on behalf of 2 Ohio Rock, you had to prove you had liability 3 insurance, right? That's part of the process, 4 right? 5 A. If that's the process. 6 Q. Well, you know how it works. You're 7 the one that's directing Ohio Rock to make 8 these applications, right? 9 A. I don't know what you're saying. 10 Q. So you personally don't know how to 11 fill out a building permit application for the 12 City of Wheeling? 13 A. If that's what you say. 14 Q. I'm asking you do you know how to do 15 it or not? 16 A. You said I didn't. 17 Q. Well -- 18 MR. GUNNER: Just answer his 19 question. 20 THE WITNESS: I'd get help when I 21 did it. 22 BY MR. BECKER: 23 Q. Do you know that if you're 24 submitting a building permit application to 25 the City of Wheeling, West Virginia on behalf</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. So where did you go and ask when you 2 needed to know and get copies of the liability 3 insurance for Ohio Rock? 4 A. I don't remember. 5 Q. Did Mr. Dunn give them to you? 6 A. I don't remember. 7 Q. Does Mr. Dunn have the insurance 8 documents for Ohio Rock? 9 A. I don't know. 10 Q. Have you ever asked him? 11 A. No. 12 Q. So you don't get them from Mr. Dunn 13 when you submit these applications because you 14 just told me you never asked him for them. So 15 where do you get them? 16 A. I told you I don't know. I don't 17 remember. 18 Q. But it wasn't Mr. Dunn? 19 A. Excuse me? 20 Q. But it wasn't from Mr. Dunn? 21 A. That's what my answer was. I don't 22 remember. 23 Q. Let's look at GMR 232. This is a 24 packet that references Building Permit BP38475 25 for the contractor Ohio Rock Industries,</p>
<p style="text-align: right;">Page 138</p> <p>1 of Ohio Rock, you have to submit a Certificate 2 of Liability Insurance? 3 A. If -- I don't know. 4 Q. Have you ever asked anyone whether 5 Ohio Rock has liability insurance? 6 A. Have I ever asked? 7 Q. Yes, sir. 8 A. For what reason? 9 Q. To submit a building permit 10 application for Ohio Rock. 11 A. I don't remember. 12 Q. Where do you get the certificates 13 from that are submitted with the building 14 permit applications that you file? 15 A. I don't understand what you're 16 saying. 17 Q. These building permit applications 18 for Ohio Rock were filed with the City of 19 Wheeling. They all contain liability 20 insurance applications. You directed Ohio 21 Rock to submit these building applications? 22 A. I did? 23 Q. You're the manager of Ohio Rock, 24 right? 25 A. Okay.</p>	<p style="text-align: right;">Page 140</p> <p>1 Limited, for an address of 113 York Street S, 2 in Wheeling, West Virginia. If you look at 3 the second page of that packet -- 4 MR. GUNNER: Second page. 5 BY MR. BECKER: 6 Q. -- there's a Signature of Applicant 7 line and a printed name. Is that your 8 signature at the bottom above Signature of 9 Applicant on the building permit application? 10 A. Which one? The top one or the 11 second one? 12 Q. The Signature of Applicant is the 13 top one at the bottom. 14 A. It could be. 15 Q. The printed name below that is Mike 16 Riley, circled was contractor. Do you see 17 that? 18 A. I do. 19 Q. Is that your writing? 20 A. I'm not for sure. 21 Q. Did you perform the work at 113 York 22 Street that's referenced in this permit on 23 behalf of Ohio Rock? 24 A. I may have. 25 Q. Did anybody assist you?</p>

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<p>1 A. I don't remember. 2 Q. What vehicle did you use to do the 3 work? 4 A. I don't remember. 5 Q. You would have needed a vehicle, 6 though, to perform the work, right, to haul 7 the demolition work away? 8 A. I assume if that's what they did. 9 Q. Well, if you look at GMR 240, which 10 is later in the packet, that's a letter again 11 that is representing that Katharine Corbin is 12 the director of compliance for Ohio Rock 13 Industries, Limited. It's writing to the 14 resident at 109 South York Street, Wheeling, 15 West Virginia, on March 19th, 2012 that 16 William Yeager has hired Ohio Rock Industries, 17 Limited, to perform the total demolition of 18 the burnt structure. 19 So you don't recall for sure if 20 you did that work but you don't deny that you 21 did, right, for Ohio Rock? 22 A. Correct. 23 Q. Correct? 24 A. Excuse me? 25 Q. I said you don't recall specifically</p>	<p>1 MR. GUNNER: He's talking about 2 you. 3 BY MR. BECKER: 4 Q. You on behalf of Ohio Rock. 5 A. I don't understand your question. 6 Q. When you tear down a building for 7 Ohio Rock -- that's something you do on 8 occasion for Ohio Rock, right? 9 A. I can. 10 Q. And you've done that, right? 11 A. I can. 12 Q. I didn't ask if you can. I asked 13 you if you did. 14 A. I can. 15 Q. That's not my question. Answer the 16 question. 17 A. I did answer the question. 18 Q. No, you didn't. Have you ever torn 19 down a building for Ohio Rock? 20 A. Have I ever? 21 Q. Yes. 22 A. I can. 23 Q. That's not my question. 24 A. I don't understand. 25 MR. BECKER: Counsel.</p>
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<p>1 yourself doing that work for Ohio Rock, but 2 you don't deny you may have done it, correct? 3 A. I don't remember. 4 Q. The question is if you were the one 5 that did the demolition work at this 113 South 6 York Street for Ohio Rock, what equipment 7 would you need? 8 A. If -- I can't answer on an if. 9 Q. Where would you get the equipment 10 that you needed to tear that structure down? 11 A. I don't know if I did. I don't 12 remember but if -- I don't understand. 13 Q. If you're going to tear down a -- 14 A. You could do it by hand. You could 15 do it by multiple different things. 16 Q. Has Ohio Rock through you ever 17 leased equipment used for the purposes of 18 tearing down burnt buildings? 19 A. I don't remember. 20 MR. GUNNER: He said do you ever. 21 THE WITNESS: Excuse me? 22 MR. GUNNER: He said do you ever 23 use equipment when you tear down buildings. 24 THE WITNESS: Are you talking 25 about Mike Riley or Ohio Rock?</p>	<p>1 MR. GUNNER: Just answer him. 2 He's asking whether Ohio Rock has ever torn 3 down a building. 4 BY MR. BECKER: 5 Q. You on behalf of Ohio Rock. You 6 personally on behalf of Ohio Rock, have you 7 ever torn down a building? 8 A. Have I? 9 Q. Yes. 10 A. Yes. 11 Q. Okay. Have you ever used equipment 12 to do so? 13 A. Yes. 14 Q. Where did you get the equipment? 15 A. I don't remember. 16 Q. Is it Ohio Rock's equipment or did 17 you have to lease it from someone? 18 A. I don't remember. 19 Q. What type of equipment? 20 A. I don't know. I mean, it's -- I 21 don't remember. 22 Q. Who is Mary K. Heller relative to 23 Ohio Rock Industries? 24 A. Who? 25 Q. Mary K. Heller, H-E-L-L-E-R.</p>

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<p>1 A. Where is that at? 2 Q. GMR 242. 3 A. I have no idea. 4 Q. Okay. She's not anybody that's 5 affiliated with Ohio Rock to your knowledge? 6 A. To my knowledge. 7 Q. Let's go to GMR 246. This is -- 8 MR. GUNNER: That's the next 9 packet, the front page. 10 BY MR. BECKER: 11 Q. It's Building Permit BP38479 for an 12 address at 2718 Chapline Street in Wheeling, 13 West Virginia. Second page of that packet is 14 a Building Permit Application. 15 There's a signature line at the 16 bottom along with a printed name line at the 17 bottom. Is the writing above Signature of 18 Applicant yours? 19 A. Which one? 20 Q. The one that's right there. 21 A. Are you talking about the initials? 22 Q. Yes. 23 A. It doesn't look like mine. 24 Q. Is the signature above 25 owner/contractor your signature?</p>	<p>1 Q. The printed name looks like Mike 2 Riley, does it not? 3 A. That's what it says. 4 Q. Do you remember doing any work for 5 Ohio Rock at 2820 Chapline Street? 6 A. I don't remember. 7 Q. You don't deny doing the work, you 8 just don't recall? 9 A. I don't remember. 10 Q. If you didn't do the work for Ohio 11 Rock at this address, do you know who did? 12 A. I don't. 13 Q. To your knowledge nobody else was 14 doing demolition work for Ohio Rock in 15 Wheeling, West Virginia, correct? 16 A. I don't know. 17 Q. To your knowledge you don't know of 18 anybody else, right? 19 A. I don't know. 20 Q. Let's go to the next packet. It 21 begins with GMR 294. It's permit BP38477 for 22 address 513 Huron Street North. Turn to the 23 second page of the packet, which is GMR 295. 24 There's a Building Permit Application with a 25 Signature of Applicant line and a printed name</p>
<p>1 A. I don't know. 2 Q. You don't deny it, you just can't 3 tell? 4 A. I can't tell. Mike really doesn't 5 look like mine, either. 6 Q. Okay. Do you remember doing the 7 work for Ohio Rock at 2718 Chapline Street? 8 A. I don't remember. 9 Q. If you didn't do the work, would 10 anybody else at Ohio Rock have done the work? 11 A. I don't know. 12 Q. So not to your knowledge? 13 A. I don't know. 14 Q. Let's go to the next packet, which 15 is GMR 283. This references permit BP38478. 16 It's for 2820 Chapline Street, which is 17 different from 2718 Chapline Street that we 18 just talked about. 19 The second page, if you'd turn to 20 that, please, which is GMR 284, there is an 21 application for -- it's a Building Permit 22 Application with signature lines at the 23 bottom. Above Signature of Applicant, is that 24 your handwriting? 25 A. It doesn't look like it.</p>	<p>1 line. Is the Signature of Applicant yours? 2 A. I don't know. 3 Q. And above the printed name it says 4 Mike Riley, correct? 5 A. It does. 6 Q. You don't deny that's your 7 signature, you just don't know? 8 A. I don't know. 9 Q. Do you remember doing the work at 10 513 Huron Street for Ohio Rock Industries? 11 A. I don't remember. 12 Q. Does Ohio Rock keep copies of its 13 Building Permit Applications? 14 A. I don't know. 15 Q. Well, if you submit a Building 16 Permit Application on behalf of Ohio Rock, do 17 you keep copies of it? 18 A. Do I? 19 Q. Yes, sir. 20 A. Not usually. 21 Q. Why not? 22 A. I don't. 23 Q. Well, how do you know, then, how to 24 fill out reporting requirements regarding the 25 compensation that was paid to Ohio Rock for</p>

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1 those?

2 A. I don't understand what you're

3 saying.

4 Q. How do you know how to fill out

5 paperwork that you're required to provide to

6 the government regarding work that was done by

7 Ohio Rock if you don't keep the paperwork?

8 A. I'm not -- that's not my job.

9 Q. Whose job is it?

10 A. I don't know.

11 Q. If you turn to GMR 306, which is the

12 beginning of the next packet, this is for

13 Permit BP38476, Contractor, Ohio Rock

14 Industries, Limited, 437 National Road. The

15 Building Permit Application has a signature

16 line on the second page. Is that your

17 signature?

18 A. It may be.

19 Q. Turn to GMR 310, a little further in

20 the packet. There's an Ohio Rock Industries

21 letter at that page addressed to Shelly Mills.

22 It has Mike Riley, Ohio Rock Industries,

23 Limited, P.O. Box 135 Etna Ohio, 43018, at the

24 top. Do you see that?

25 A. I do.

1 Q. At the bottom it is signed -- well,

2 there is a space that says sincerely, and

3 underneath that space it's Mike Riley,

4 President/CEO, Ohio Rock Industries, Limited,

5 providing over 75 years of experience. Do you

6 see that?

7 A. I do.

8 Q. Was this Ohio Rock Industries,

9 Limited, letterhead that you were utilizing in

10 the summer of 2012?

11 A. I never signed it. I don't know

12 where this came from.

13 Q. Well, I didn't ask you if you signed

14 it. I'm asking was Ohio Rock Industries,

15 Limited, using this type letterhead in the

16 summer of 2012?

17 A. I don't know.

18 Q. Do you recall doing the work at 437

19 National Road on behalf of Ohio Rock?

20 A. I don't remember.

21 Q. You don't deny that you did, you

22 just don't recall?

23 A. I don't remember.

24 Q. To your knowledge nobody else was

25 performing demolition work for Ohio Rock in

1 West Virginia during that time period,

2 correct?

3 A. I don't know.

4 Q. Let's go to the next packet. GMR

5 322 is the first page. It's for a Permit

6 BP38263. It's dated May 10th, 2012, Ohio Rock

7 Industries, Limited, the contractor. The

8 address is 3733 Jacob Street.

9 If you turn to the second page of

10 the packet, there's a document, GMR 323. It's

11 a Building Permit Application with a signature

12 line at the bottom and a printed name line at

13 the bottom. Is the signature above the

14 Signature of Applicant at the bottom of that

15 page yours?

16 A. It looks like it.

17 Q. Underneath where it says printed

18 name, Ohio Rock by Mike Riley --

19 A. It looks like it.

20 Q. That's yours?

21 A. It looks like it.

22 Q. Do you remember doing the work at

23 that address?

24 A. I don't.

25 Q. You don't deny that you did it, you

1 just don't remember?

2 A. I don't remember.

3 Q. Let's go to the next one, which is

4 GMR 342. It is Permit BP38051. It's dated

5 March 13th, 2012. Contractor is Ohio Rock

6 Industries, Limited, Cove Avenue E in

7 Wheeling, West Virginia.

8 Turn to the second page of the

9 packet. There's a Building Permit

10 Application. It's page GMR 343. The bottom

11 of that page there are lines for the signature

12 of the applicant and printed name. Is that

13 your signature that appears over Signature of

14 Applicant?

15 A. It could be.

16 Q. And your name is printed above the

17 printed name Mike Riley, correct?

18 A. I don't know if that's mine.

19 Q. Well, your name is there. You don't

20 know whether you wrote it?

21 A. Yes.

22 Q. But your name is there. And it

23 lists Ohio Rock Industries as the contractor,

24 does it not?

25 A. Yes.

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<p>1 Q. Do you remember doing the demolition 2 work at Cove Avenue in Wheeling in the spring 3 of 2012?</p> <p>4 A. I don't remember.</p> <p>5 Q. You don't deny it, you just don't 6 remember?</p> <p>7 A. I don't remember.</p> <p>8 Q. If you look at page 345 of that 9 packet, there's another signature line at the 10 bottom of GMR 345 for Signature of 11 Owner/Operator. Is that your signature?</p> <p>12 A. I don't know.</p> <p>13 Q. The final packet is GMR 349. It's 14 BP38052. This is for 68 Cove Avenue E. The 15 contractor is Ohio Rock Industries, Limited. 16 Turn to the second page which is GMR 350. It 17 is a Building Permit Application that has a 18 signature line at the bottom. Is that your 19 signature?</p> <p>20 A. It may be.</p> <p>21 Q. You don't deny it's yours, you just 22 don't know?</p> <p>23 A. It may be.</p> <p>24 Q. There's a printed name Mike Riley 25 listed as Ohio Rock Industries, Contractor, is</p>	<p>1 Ohio Rock for work that he performs for the 2 company?</p> <p>3 A. You'd have to ask Mr. Dunn.</p> <p>4 Q. I'm asking you. Have you ever 5 written a check with an Ohio Rock --</p> <p>6 A. You'd have to ask Mr. Dunn.</p> <p>7 MR. GUNNER: Well, he's asking 8 you. If you know, Mike, you can answer.</p> <p>9 THE WITNESS: I don't know. I 10 don't remember.</p> <p>11 BY MR. BECKER:</p> <p>12 Q. Does Ohio Rock have a business 13 registration for the West Virginia State Tax 14 Department?</p> <p>15 A. What does that mean?</p> <p>16 Q. Well, did they ever register in West 17 Virginia as an entity that is subject to West 18 Virginia tax?</p> <p>19 A. I don't know.</p> <p>20 Q. Where would Ohio Rock keep those 21 documents if they have them?</p> <p>22 A. I don't know.</p> <p>23 Q. Who would know at Ohio Rock?</p> <p>24 A. I don't know that, either.</p> <p>25 Q. But you don't?</p>
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<p>1 there not?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember doing the work at 68 4 Cove Avenue E for Ohio Rock?</p> <p>5 A. I don't remember.</p> <p>6 Q. You don't deny you did the work, you 7 just don't remember?</p> <p>8 A. I don't remember.</p> <p>9 Q. If you turn to GMR 354. There's a 10 copy of a document that says it's a Contractor 11 License authorized by the West Virginia 12 Contracting Licensing Board for Ohio Rock 13 Industries, Limited. It lists their address 14 as being 33 South James Road, Columbus, Ohio, 15 43213, which is the business legal address for 16 Mr. Dunn. Correct?</p> <p>17 A. I would assume.</p> <p>18 Q. Is it issued in March of 2012, 19 correct?</p> <p>20 A. If that's what it says.</p> <p>21 Q. Is Mr. Dunn Ohio Rock Industries' 22 counsel?</p> <p>23 A. How would I know? You'd have to ask 24 Mr. Dunn. I can't speak for Mr. Dunn.</p> <p>25 Q. Do you pay Mr. Dunn on behalf of</p>	<p>1 A. I don't know.</p> <p>2 Q. I lied. There's one more we 3 skipped. GMR 185.</p> <p>4 MR. GUNNER: 185?</p> <p>5 MR. BECKER: Yes.</p> <p>6 BY MR. BECKER:</p> <p>7 Q. It's Permit BP38706. It's dated 8 August 15th, 2012. It's for 34 --</p> <p>9 A. Who's the company or the contractor?</p> <p>10 Q. I'm getting there. It's for 34 37th 11 Street. On the first page it's listed as the 12 contractor, Ohio-West Virginia Excavating 13 Company. Does Ohio Rock have anything to do 14 with Ohio-West Virginia Excavating Company.</p> <p>15 A. I don't believe so.</p> <p>16 Q. If you turn, however, to page GMR 17 187.</p> <p>18 A. I'm not going to answer any 19 questions on this. This has nothing to do 20 with Ohio Rock.</p> <p>21 MR. BECKER: Counsel.</p> <p>22 MR. GUNNER: Well you can wait 23 and see what his question is first.</p> <p>24 BY MR. BECKER:</p> <p>25 Q. Turn to page 187.</p>

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1 A. It's not my writing. 2 MR. GUNNER: Just answer his 3 questions. 4 THE WITNESS: Okay. 5 MR. BECKER: He needs to see the 6 document. He can't ask any questions without 7 it. 8 THE WITNESS: I can't answer on 9 behalf of that company. 10 MR. GUNNER: He's not asking 11 that. Wait for his questions and answer his 12 questions. 13 BY MR. BECKER: 14 Q. Turn to page GMR 187. 15 A. Okay. 16 Q. Third page in. 17 A. Okay. 18 Q. This is a Notification of Abatement, 19 Demolition, and Renovation from the State of 20 West Virginia for Project OH-005. It 21 indicates that the contractor is Ohio Rock 22 with the contact person being Mike Riley. Do 23 you see that? 24 A. I do. 25 Q. And if you go to the second page of	1 has been hired to perform the total demolition 2 of the structure at 34-37 Street, Wheeling, 3 West Virginia. Did you perform the demolition 4 work for Ohio Rock at 34 37th Street in 5 Wheeling, West Virginia? 6 A. I don't know. 7 Q. You don't deny that you did, you 8 just don't recall? 9 A. I don't recall. 10 Q. If you turn to page 198 in the 11 packet, there's a Certificate of Liability 12 Insurance representing that Ohio Rock is the 13 insured, correct? 14 A. If that's what it says. 15 Q. So what is the relationship between 16 Ohio Rock and the contractor listed on the 17 first page of Ohio-West Virginia Excavating 18 Company? 19 A. I would assume that must be an error 20 on the City of wheeling. 21 Q. So everything else appears to all be 22 Ohio Rock. And to your knowledge, Ohio Rock 23 has no relationship or business -- 24 A. Any affiliation whatsoever. 25 Q. -- with Ohio-West Virginia
1 that packet, which is the Building Permit 2 Application, which is GMR 186, there is once 3 again a signature line for the applicant and a 4 printed name for the applicant. Is the 5 Signature of Applicant yours? 6 A. It is not. 7 Q. It indicates under the printed name 8 Mike Riley, Ohio Rock as the Owner/Contractor, 9 does it not? 10 A. It does but it's not my signature. 11 Q. Okay. Is that phone number yours, 12 (740)232-5633? 13 A. It is. 14 Q. Okay. If you turn to page GMR 189, 15 further in the packet, there's an Ohio Rock 16 Industries, Limited, letterhead with 17 correspondence directed to the current 18 resident dated July 31st, 2012; an ending line 19 of Katharine Corbin, who you previously told 20 me was your wife at the time, listed as the 21 Director of Compliance for Ohio Rock 22 Industries, Limited, with a P.O. Box 135 at 23 your Etna, Ohio, P.O. Box. 24 And the substance of the letter 25 indicates that Ohio Rock Industries, Limited,	1 Excavating Company? 2 A. Correct. 3 MR. BECKER: All right. It is 4 5:00. I represented to counsel I would try to 5 stop around 5 today. I think I'm done with 6 questions relative to Ohio Rock, but I need to 7 go through my notes, but I think I am. 8 We will need to reconvene the 9 deposition to finish questions that are not 10 related to Ohio Rock that only relate to 11 Mr. Riley. And if need be, to finish Ohio 12 Rock, although I think we've done Ohio Rock. 13 So I will get back in touch with 14 you, Mr. Gunner, and we'll try to find a new 15 date so we can finish this. 16 MS. MORRISON: I want to say 17 something on the record before we move on. I 18 was talking to Ben Zacks and my understanding 19 is this morning when you guys breaked (sic), 20 there was some conversation regarding the 21 Operating Agreement. Mr. Zacks wanted me to 22 let you know that we are currently working 23 with the client to get the unprivileged 24 portions of that Operating Agreement to you. 25 We will disclose that.

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